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July 10, 2023

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket No. FD 36575, Townline Rail Terminal, LLC
– Construction and Operation Exemption of a Line of Railroad –
In Suffolk County, NY; Voluntary Mitigation Measures

Dear Ms. Gosselin:

Townline Rail Terminal, LLC ("Townline Rail") proposes the following voluntary mitigation measures to be incorporated into the Draft Environmental Assessment currently under development by the Board's Office of Environmental Analysis.

Transportation and Safety

- Townline Rail will follow all applicable federal Occupational Safety and Health Administration, Federal Railroad Administration, and operational safety regulations to minimize the potential for accidents and incidents during project-related construction and operation.
- Prior to and during construction and operation of the project, Townline Rail will work with the local agencies to facilitate the development of cooperative agreements with other emergency service providers to share services areas and emergency call response.
- Townline Rail shall comply with all applicable Federal Railroad Administration rail operations safety requirements at 49 C.F.R. Parts 200-299.
- Townline Rail will design the rail yard as per American Railway Engineering and Maintenance of Way Association (AREMA) recommended practices for the design, construction and maintenance of railway infrastructure.
- Development of the Townline Rail line will result in the closure of the at-grade Meadow Glenn Road grade crossing.

Air Quality and Climate Change

- In accordance with Suffolk County, Town of Smithtown, and New York State Department of Environmental Conservation for dust control permitting requirements, Townline Rail's contractor(s) will implement appropriate dust control measures to reduce fugitive dust emissions created during project-related construction. Townline Rail will require its construction contractor(s) to regularly operate water trucks on haul roads to reduce dust generation.
- Townline Rail will work with its contractor(s) to make sure that construction equipment is properly maintained, and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air pollutant emissions.

Noise and Vibration

- Townline Rail will comply with Federal Railroad Administration regulations (49 C.F.R. Part 210) establishing decibel limits for train operation.
- Townline Rail will work with its contractor(s) to make sure that project-related construction and maintenance vehicles are maintained in good working order with properly functioning mufflers to control noise.
- Townline Rail will construct an approximately 16.4 acre of landscaped berm. The berm is envisioned to be 150 – 190 feet wide and 25' in height. The landscaped berm be constructed in between the proposed line and the abutting Long Island Railroad Port Jefferson Line to the north, as well as residences residing north of the Long Island Railroad Port Jefferson Line.
- Development of the Townline Rail line will result in the closure of the at-grade Meadow Glenn Road grade crossing.

Hazardous Materials and Waste Sites

- Prior to initiating any project-related construction, Townline Rail's contractor(s) will prepare a hazardous waste management plan detailing the manner in which hazardous wastes, if any, will be managed and describing the types and volumes of hazardous wastes, if any, anticipated to be managed. In such case, the hazardous waste management plan will address both onsite and offsite hazardous waste management and include the following: description of the methods to be used to ensure accurate piece counts or weights of shipments; waste minimization methods; facilities to be used for treatment, storage, and disposal; onsite areas designated where hazardous wastes are to be handled; identify whether transfer facilities are to be used, and if so, how the wastes will be tracked to ultimate disposal. Additionally, if applicable, Townline Rail's contractor(s) will document hazardous waste inspections on a weekly basis.
- In accordance with Townline Rail contractor's hazardous waste management plan and emergency management plan, and in the event of a spill over the applicable reportable quantity, if any, Townline Rail's contractor(s) will comply with its spill prevention, control, and countermeasures plan and applicable federal, state, and local

regulations pertaining to spill containment, appropriate clean-Townline Rail, and notifications.

- Townline Rail will require its construction contractor(s) to implement measures to protect workers' health and safety and the environment in the event that undocumented hazardous materials, if any, are encountered during construction. Townline Rail will document all activities associated with hazardous material spill sites and hazardous waste sites, if any, and will notify the appropriate state and local agencies according to applicable regulations. The goal of the measures is to ensure the proper handling and disposal of contaminated materials, including contaminated soil, groundwater, and stormwater, if such materials are encountered. Townline Rail will use disposal methods that comply with applicable solid and hazardous water regulations.
- Townline Rail's contractor(s) will responsibly handle and store gasoline, diesel fuel, oil, lubricants, and other petroleum products to reduce the risk of spills contaminating soils or surface waters. If a petroleum spill occurs in the project limits as a result of project-related construction, operation, or maintenance and exceeds specific quantities or enters a waterbody, Townline Rail's contractor(s) will be responsible for promptly cleaning the spill and notifying responsible agencies in accordance with federal and state regulations.
- Townline Rail will prepare a hazardous materials emergency response plan, if applicable, to address potential derailments or spills. This plan will address the requirements of the Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration requirements for comprehensive oil spill response plans. Townline Rail will distribute the plan to federal, state, and local emergency response agencies. This plan shall include a roster of agencies and people to be contacted for specific types of emergencies during project-related construction, operation and maintenance activities, procedures to be followed by particular rail employees, emergency routes for vehicles, and the location of emergency equipment.
- In the event of a reportable hazardous materials release, if any, Townline Rail will notify appropriate federal and state environmental agencies as required under federal and state law.
- Townline Rail will comply with applicable Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration, and Transportation Security Administration regulations for the safe and secure transportation of hazardous materials, if any.
- Townline Rail shall ensure that any herbicides used during track maintenance are registered with the U.S. Environmental Protection Agency and applied by licensed individuals with experience in using best practices to minimize any environmental and safety risks to the extent necessary for rail operations.

Biological Resources

- Townline Rail will comply with any conditions and mitigation commitments contained in this Environmental Assessment, recommended by the New York State Department of Environmental Conservation and/or the U.S. Fish and Wildlife Service, for sensitive species, including plants, that could potentially be impacted by the project.

- Towlne Rail will require its contractor(s) to comply with the requirements of the Migratory Bird Treaty Act as applicable. The following measures will be taken by Towlne Rail and/or its contractor(s):
 - Where practical, any ground-disturbing, ground-clearing activities or vegetation treatments will be performed before migratory birds begin nesting or after all young have fledged.
 - If such activities must be scheduled to start during the migratory bird breeding season, Towlne Rail will not take steps to prevent migratory birds from establishing nests in the potential impact area. Towlne Rail or its agents will not haze or exclude nest access for migratory birds and other sensitive avian species.
 - If such activities must be scheduled during the migratory bird breeding season, a qualified biologist will perform a site-specific survey for nesting birds starting no more than 7 days prior to ground-disturbing activities or vegetation treatments. Birds with eggs or young will not be hazed, and nests with eggs or young will not be moved until the young are no longer dependent on the nest.
 - If nesting birds are found during the survey, Towlne Rail will establish appropriate seasonal or spatial buffers around nests. Vegetation treatments or ground-disturbing activities within the buffer areas will be postponed, where feasible, until the birds have left the nest. A qualified biologist will confirm that all young have fledged.

Water Resources

- Towlne Rail's contractor(s) will seek the appropriate New York Pollutant Discharge Elimination System, as applicable, for construction stormwater management.
- Towlne Rail's contractor(s) will develop a stormwater pollution prevention plan, as applicable, which will include construction best management practices to control erosion and reduce the amount of sediment and pollutants entering surface waters, groundwater, and waters of the United States. Towlne Rail will require its construction contractor(s) to follow all water quality control conditions identified in all permits, including the Section 404 permit from the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification from the New York Department of Environmental Conservation.
- Towlne Rail's understanding is that no regulated wetlands will be impacted by the proposed rail line. However, if the Draft EA identifies impacted regulated wetlands, Towlne Rail will conduct the following voluntary mitigation measures:
 - If required, Towlne Rail will obtain a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act before initiating project-related construction in wetlands and other jurisdictional waters of the United States, if any. Towlne Rail will comply with all conditions of the Section 404 permit.

- If required, Townline Rail will obtain a Section 401 Water Quality Certification from the New York Department of Environmental Conservation. Townline Rail will incorporate the conditions of the Section 401 Water Quality Certification, as applicable, into its construction contract specifications and will monitor the project for compliance.
- Townline Rail will minimize impacts to wetlands to the extent practicable in the final design. After all practicable steps have been taken to minimize impacts to wetlands, Townline Rail agrees to prepare a mitigation plan for any remaining wetland impacts in consultation with the U.S. Army Corps of Engineers, where applicable.
- Townline Rail's understanding is that no streams or floodplains will be impacted by the proposed rail line. However, if the Draft EA identifies impacted streams, Townline Rail will conduct the following voluntary mitigation measures:
 - If applicable, Townline Rail's contractor(s) will construct stream crossings, as applicable, during low-flow periods, when practical.
 - When practical and in consultation with the Flood Control District of Suffolk County and the U.S. Army Corps of Engineers (Corps), Townline Rail's contractor(s) will minimize impacts to streams where impacts are unavoidable, where applicable. After all practicable steps have been taken to minimize impacts to streams, Townline Rail agrees to prepare a mitigation plan for any remaining stream impacts in consultation with the Corps, where applicable.
 - For streams and rivers within a floodplain regulated by Suffolk County, as applicable, Townline Rail will design the stream crossing with the goal of not impeding floodwaters and not raising water surface elevations to levels that would change the regulated floodplain boundary. If flood elevations change, Townline Rail will coordinate with the Federal Emergency Management Agency and/or local floodplain managers to obtain a Letter of Map Revision where construction of bridges, culverts or embankments results in an unavoidable increase greater than 1 foot to the 100-year water surface elevations.
 - If required Townline Rail will obtain a permit from Suffolk County, as applicable, before initiating project-related construction in a floodplain regulated by Federal Emergency Management Agency. Townline Rail will comply with all conditions of the floodplain permit.

Geology and Soils

- During project-related earth-moving activities, Townline Rail's contractor(s) will remove topsoil and excess earthen material for safe and legal disposal to an offsite location and in accordance with the applicable excavation restrictions.
- Townline Rail's contractor(s) will stockpile excavated soil, if any, in areas away from environmentally or culturally sensitive areas and will use appropriate erosion control measures to prevent or contain erosion.

- Townline Rail's contractor(s) will perform finish grading and surface disturbed areas with appropriate best management practices, where practical.
- Townline Rail shall implement the following best management practices to minimize potential erosion and sedimentation impacts during project construction of the Proposed Line:
 - Minimize earth-clearing activities to the greatest extent practicable by disturbing only the area needed to physically construct the proposed rail line, required infrastructure, and staging area.
 - Prior to initiating site clearing, install erosion and sediment control measures such as silt fencing, silt socks, mulch blankets, or a similar erosion-control measure along the limit of disturbance and at the inlet of any storm drain structures within the construction zone.
 - Stabilize any disturbed areas outside the rail corridor (i.e., temporary staging equipment storage/material stockpiling areas) with an appropriate permanent vegetative cover after the completion of construction activities.

Land Use and Farmland

- If applicable, prior to project-related construction, Townline Rail will secure agreements with utility owners to establish responsibility for protecting or relocating existing utilities, if impacted by construction.

Socioeconomics

- Townline Rail and its contractor(s) will consult, as necessary, with directly abutting landowners for coordination of construction schedules and temporary access during project-related construction.

Visual Quality

- Townline Rail will construct an approximately 16.4 acre of landscaped berm. The berm is envisioned to be 150 – 190 feet wide and 25' in height.

Archaeological and Historic Resources

- If applicable, Townline Rail and Townline Rail's contractor(s) will comply with the requirements of the memorandum of agreement and the historic properties treatment plan developed by OEA, New York State Historic Preservation Office, Native American tribal representatives, and other federal and state agencies in consultation with other consulting parties.

Thank you,



Justin J. Marks
Counsel to Townline Rail Terminal, LLC