

General Comments

Commenter GC-1: Sanjeev Ramchandra

Comment: I have created an alternative plan to congestion pricing that provides reliable and sustainable revenue to the MTA. Please see the attachment for my brief, 2-page document which describes my plan to raise the sales tax rate in NYC. Thanks for your time and attention and feel free to share this information with anyone who may find interest in this.

NYMTC Response: MTA Bridges and Tunnels is in receipt of Mr. Ramchandra's correspondence to NYMTC and thank him for his comments and suggestions regarding Congestion Pricing. In 2019, Governor Andrew Cuomo proposed the MTA Reform and Traffic Mobility Act, which the Legislature passed that April and the Governor signed into law establishing the Central Business District Tolling Program. We are at the start of the federally required Environmental Assessment process which requires robust public outreach. During this process, comments from the public like Mr. Ramchandra's will be received and considered. There will be ample opportunities for the public to continue to weigh in as we move forward.

Commenter GC-2: Review session participant

Comment: Great presentation; informative and inclusive.

NYMTC Response: The comment is noted.

Commenter GC-3: Review session participant

Comment: Always impressive research, distillation, presentation. Thank you! Data updates helpful. More comments coming after review online.

NYMTC Response: The comment is noted.

Commenter GC-4: Review session participant

Comment: Needs more feedback from the public specialty the people who actually uses the public transportation.

NYMTC Response: NYMTC developed *Moving Forward* in part through a public involvement effort that engaged various constituencies and key audiences in its planning area. It gathered input from the public, community-based advocacy groups, communities of concern, and other stakeholders, including a Regional Transportation Plan Subcommittee composed of NYMTC planning area agency members. Engagement of communities traditionally underserved, including environmental justice (i.e., minority or low-income) and limited English proficiency populations, was emphasized broadly for outreach efforts associated with *Moving Forward*.

Commenter GC-5: Review session participant

Comment: More time to come up with comments please

NYMTC Response: Per NYMTC's Public Outreach operating procedures, the public comment period for the draft of *Moving Forward* was thirty calendar days from June 28 through July 27, 2021. Comments were accepted at any time during that period.

Commenter GC-6: Review session participant

Comment: Please more time for write comments

NYMTC Response: Per NYMTC's Public Outreach operating procedures, the public comment period for the draft of *Moving Forward* was thirty calendar days from June 28 through July 27, 2021. Comments were accepted at any time during that period. When the New York City metropolitan region emerged as the early locus of the COVID-19 pandemic, NYMTC pivoted the *Moving Forward* engagement program to focus on remote and virtual forms of outreach with great care to ensure that diverse and representative input could be obtained. Public workshops were transformed into a series of highly successful interactive virtual workshops. See Appendix G: Public Involvement Report for additional details.

Commenter GC-7: Review session participant

Comment: More reaching out to the public.

NYMTC Response: The comment is noted. *Moving Forward's* Shared Vision for Regional Mobility includes guiding principles to consider the needs of all users in NYMTC's planning area throughout the planning process and to engage the public and community stakeholders.

Commenter GC-8: Hal Tarry, New York Bicycling Coalition

Comment: I checked clicked the button to be added to the mailing list and so hope to know in advance about future comment opportunities. These comments were from a quick scan so some of what I was looking for may already be in the plan

NYMTC Response: The Comment is noted.

Chapter 1

Commenter CH1-1: Todd Fontanella, Western Connecticut Council of Governments

Comment: In Section 1.3, “Our Guiding Principles”, we appreciate the importance of continued coordination with adjacent MPO planning areas in the development and implementation of policies and projects.

NYMTC Response: The comment is noted.

Chapter 2

Commenter CH2-1: Todd Fontanella, Western Connecticut Council of Governments

Comment: Page 28 “Connecticut Transit” paragraph – correct “Stanford” to “Stamford”

NYMTC Response: The correction will be made.

Chapter 3

Commenter CH3-1: Review session participant

Comment: With regards to SED forecasts adjustments for COVID-19, |I like your approach. Most impacts are short-term with little long-terms effects.

NYMTC Response: The comment is noted.

Chapter 4

Commenter CH4-1: Review session participant

Comment: Meeting the needs of the public is a priority

NYMTC Response: One of the guiding principles identified in the Shared Vision is: "We will consider the needs of all users in NYMTC's planning area throughout the planning process."

Commenter CH4-2: Review session participant

Comment: Were the performance metrics under safety just the federally required ones, or did you include additional ones?

NYMTC Response: The performance metrics are based on the federally required metrics under the federal Transportation Performance Management (TPM) requirements.

Commenter CH4-3: Review session participant

Comment: Safety presents a challenge especially with the current increase in violence

NYMTC Response: The Vision Goal in question is defined for both safety and security and includes as an objective: "Improve the safety and security of system operations."

Commenter CH4-4: Review session participant

Comment: How do you handle transit in areas that don't support fixed route?

NYMTC Response: An objective of the Reliable and Easy Travel Vision Goal is: "Improve first- and last-mile access to transit," and a program recommendation for this Vision Goal is to: "Increase transit access through micromobility and shared mobility." Additionally, an objective of the Vision Goal to Plan for Changing Demand is: "Incorporate emerging and innovative transportation services and tools into efficient network design." These objectives speak to better integrating different and emerging transportation services.

Commenter CH4-5: Review session participant

Comment: Presents a challenge especially with the current increase in violence

NYMTC Response: *Moving Forward's* Safety and Security Vision Goal includes objectives to ensure that investments in existing physical assets protect the safety of, among others, passengers and freight

systems and to improve the safety and security of system operations. Research recommendations of note for this Vision Goal include inventorying current and developing technology that can be used to improve safety and security and identifying potential funding sources for system security and safety and security training.

Commenter CH4-6: Review session participant

Comment: It looks like SOVs increased. What are the plans for this?

NYMTC Response: *Moving Forward's* Vision Goal to Plan for Changing Demand includes a number of objectives to increase the capacity and reach of transportation services. Program recommendations for this Vision Goal include improving, enhancing and integrating transits services while also expanding the availability of shared-use mobility services, including bike share, carshare, and rideshare that support safe, affordable, and sustainable travel choices. The Vision Goal to Reduce Environmental Impacts includes an objective to encourage alternatives to single-occupant vehicle trips and program recommendations to enhance and integrate commute alternative programs.

Commenter CH4-7: Review session participant

Comment: Where does global warming fit in?

NYMTC Response: *Moving Forward's* Shared Vision for Regional Mobility includes a Vision Goal to minimize the transportation system's greenhouse gas emissions and other impacts on the environment, especially the effects of climate change. That objectives defined for that Vision Goal are focused on reducing vehicular travel and vehicular emissions.

Commenter CH4-8: Review session participant

Comment: Minimizing impacts on the environment as well as the safety and security goals are on target. We are very concerned on a particular issue.

NYMTC Response: The comment is noted.

Commenter CH4-9: Review session participant

Comment: Concerned with freight transportation safety

NYMTC Response: *Moving Forward's* Safety and Security Vision Goal includes an objective to ensure that investments in existing physical assets protect the safety of, among others, passengers and freight systems. Additionally, *Moving Forward's* Regional Freight Element recommends a number of action items related to the Safety and Security Vision Goal in whole or in part (See Table H-7-1 on page H237 of the Regional Freight Element).

Commenter CH4-10: Review session participant

Comment: Communication with the public about the safety and security

NYMTC Response: *Moving Forward's* Safety & Security Vision Goal includes the following programmatic recommendations for education and training programs:

- Expand safety education programs and public awareness campaigns.
- Coordinate and enhance safety education and programs in the suburban subregions.
- Execute training for multi-agency safety and security coordination and/or develop a common guidebook.
- Expand safety and security training programs for local municipalities and communities.

Commenter CH4-11: Review session participant

Comment: Technology makes it easy to use and engaged

NYMTC Response: The comment is noted. *Moving Forward's* Planning For Changing Demand Vision Goal includes an objective to incorporate emerging and innovative transportation services and tools into efficient network design. Additionally, *Moving Forward's* Shared Vision for Regional Mobility includes a guiding principle to harness technological advancements to improve our transportation system.

Commenter CH4-12: Review session participant

Comment: More use of EV or electric vehicles and more environmentally friendly ways to include nature on the process of construction

NYMTC Response: *Moving Forward's* Vision Goal of Reducing Environmental Impact includes objectives to encourage lower-emissions alternatives to trucking and modernize vehicle fleets to higher-standard and lower-emissions vehicles. A third relevant objective is to promote responsible environmental stewardship in transportation projects. Programmatic recommendations related to the Vision Goal and these objectives include vehicular emissions program to reduce emissions from publicly and privately owned vehicle fleets; and innovative materials programs, including permeable surfaces.

Commenter CH4-13: Review session participant

Comment: Flexibility on how people use the technology to use public transportation

NYMTC Response: The comment is noted. *Moving Forward's* Planning for Changing Demand Vision Goal includes an objective to incorporate emerging and innovative transportation services and tools into efficient network design. Additionally, *Moving Forward's* Shared Vision for Regional Mobility includes a guiding principle to harness technological advancements to improve our transportation system.

Chapter 5

Commenter CH5-1: Review session participant

Comment: Resiliency - Need to be very aggressive

NYMTC Response: The comment is noted.

Appendix B

Commenter PBE-1: New York Bicycling Coalition

Comment 1: Although bicycle travel is talked about favorably in the document the details don't follow through with actions to start making bicycle travel a safe and comfortable mode of transportation outside of NYC. I understand NYMTC can't force the regions to build bicycle safe infrastructure but would like to see this plan ask questions and seek answers for them that might push the regions in the right direction. For example: How do they know that funds spent on cycling infrastructure are being spent wisely if they don't do counts before and after?

NYMTC Response: NYMTC's members collect bicycle counts at various levels. For example: <https://www1.nyc.gov/html/dot/html/bicyclists/bike-counts.shtml> . NYMTC also includes bicycle data in its Hub-bound Travel Reports and Regional Transportation Statistics Report. Finally, in Appendix A: Projects, Programs and Studies, "non-motorized" projects in the fiscally constrained element of the Plan and in the speculative "vision" element of the Plan are itemized by county and borough.

Comment 2: The regions have a thorough counting program for motor vehicle traffic so they must believe counting is important. Ditto for metrics: The plan spoke about metrics a lot, as it should, but I didn't see any for bicycling. What is the total \$ programmed in the RTP for each region and what % of that is for bicycle infrastructure? What is the % of travel by bicycle in each region and how does it compare to each region's goal for bicycle travel?

NYMTC Response: Federally required metrics are provided in Chapter 3 of *Moving Forward*. Additional metrics that are based on the Shared Vision for Regional Mobility and its related Vision Goals are found in Chapter 4, which describes the five Vision Goals and their objectives in detail. Relevant trends and conditions are analyzed for each goal, and related existing planning and programmatic initiatives are described. Additionally, short- and medium- term strategies and actions for each goal and its objectives, as well as metrics that will assist in measuring progress toward each Vision Goal and its objectives, and in informing investment decisions. The Vision Goal for Planning for Changing Demand includes a Mobility Performance metric to measure transportation performance from the traveler's perspective by measuring how effectively and efficiently the integrated mobility system performs while meeting the needs of individual travelers. Additionally, the Pedestrian-Bicycle Element in Appendix B fully describes the extent of existing pedestrian-bicycle investments, while future non-motorized projects and programs are included in Appendix A. Transportation Mode Choice for Daily Commuting Trips, which includes bicycle trips, is also presented in Chapter 3.

Comment 3: If this is truly the department of transportation and not an off shoot of the department of motor vehicles then there should be a goal to increase the amount of travel done by healthier and more sustainable modes like bicycling. When/if the regions do set a goal to increase bicycle travel what metrics will be used to determine if progress is being made?

NYMTC Response: NYMTC is a regional council which is the metropolitan planning organization (MPO) for New York City, Long Island, and the lower Hudson Valley. As an MPO, NYMTC is responsible for a multi-modal transportation planning process. *Moving Forward's* Appendix B is the Pedestrian-Bicycle Element of the Plan, which describes Existing Conditions and Emerging Trends for non-motorized transportation, as well as strategies and actions within the context of *Moving Forward's* Shared Vision for Regional Mobility. *Moving Forward's* Vision Goal to Plan for Changing Demand includes an objective to encourage walking and biking, transit-oriented development, Complete Streets, parking and curb management, and other long-term sustainable land use strategies that support passenger and goods movement. Finally, in Appendix A: Projects, Programs and Studies, non-motorized projects in the fiscally constrained element of the Plan and in the speculative "vision" element of the Plan are itemized by county and borough.

Comment 4: A quick look through the proposed projects in Region 10 didn't show much in the next 4 years. (There were some good projects on the wish list but when some have been on the program and/or wish list for over 20 years they become window dressing) I don't understand how the lack of programmed bike projects can be acceptable in light of increasing congestion, increasing obesity & increasing climate change induced problems.

NYMTC Response: In the last 12 years, NYSDOT has built over 30 miles of new shared-use paths across Long Island. This includes the final 10-mile leg of the Ocean Parkway Coastal Greenway, which was completed ahead of schedule earlier this year, and 4.4 miles of Parks to Port Greenway along NY347. There are plans to construct an additional 20 miles of shared use paths over the next ten years in Suffolk County. A good deal of this mileage is part of larger projects such as the reconstruction of NY347 and NY112 that are not specified solely as "non-motorized" projects.

Commenter PBE-2: Village of Croton-on-Hudson Bicycle and Pedestrian Committee

Comment 1: The recently adopted updated Bicycle-Pedestrian Master Plan for the Village states that, "The BPC's mission is to advise and recommend strategies and actions to the Board of Trustees for the maintenance and improvement of access to the Village's streets for bicyclists, pedestrians and other non-vehicular uses." That document is available on the Village's website: https://www.crotononhudson.ny.gov/sites/g/files/vyhlf441/f/uploads/croton_bike-ped_master_plan_submitted_dec_23_2020_1.pdf

NYMTC Response: The comment is noted.

Comment 2: The Committee appreciates NYMTC's efforts to incorporate active transportation in its long-range plan, especially by including Appendix B as part of the plan, and we offer comments on that appendix. Our greatest interest would be in having NYMTC's support for two projects we have long discussed as a committee.

- The first is the completion of the Westchester RiverWalk, a planned 51.5-mile-long bike-pedestrian path along the Hudson. While a portion runs through Croton, and is very well-used by our community, it stops at the northern end of Croton Landing Park. That segment is one of several along the planned route, totaling nearly 19 miles, which have not been completed.
- The second project would be to provide greater connectivity and safety for bicyclists between the Croton-Harmon Metro-North Railroad Station and the North County Trailway access point on Route 118 in Yorktown (between Birdsall Drive and Hanover Street). A good number of cyclists take Metro-North from New York City and other parts of the region and disembark at Croton, making their way along village streets, Routes 129 and Route 118 to the trail. Yet the roads there are busy and narrow; the shoulders poorly maintained, covered in asphalt bits, and liable to cause cyclists to slip. We would recommend road improvements, wayfinding, digital maps (triggered by signs with QR code at the train station), and a study of alternative routes and/or bike lanes to ensure the safety of bicyclists and motorists and accommodate the growing interest in non-motorized modes of transportation.

NYMTC Response: These projects will be added to the Plan’s vision element in Appendix A.

Comment 3: The Committee would also appreciate your including, in the list of accomplishments at the beginning of Appendix B, the recently completed Croton Point Avenue Traffic, Bicycle, and Pedestrian Improvement Project. The project appeared on the STIP as PIN 8780.41. The project made traffic, bicycle and pedestrian improvements to a busy route to the Croton-Harmon train station, Croton Point Park, and ramps connecting to the Briarcliff-Peekskill Expressway (Route 9/9A). The scope included the installation of new traffic control lights, ramp widening with dedicated turn lanes, new ADA compliant sidewalks, and striped bicycle lanes.

NYMTC Response: This project will be added to the list of accomplishments.

Comment 4: The Putnam County bikeway master plan is described on page B-4. The Committee would like to know if Westchester County has adopted a similar plan. Please add that to the appendix if there is a plan for Westchester

NYMTC Response: The Pedestrian-Bicycle Element of the NYMTC Regional Transportation Plan serves as Westchester’s plan.

Comment 5: This portion of the appendix continues with a reference to the Empire State Trail (EST). The EST was conceived to provide a route for bicycling and other non-motorized transportation across the state, including segments to the ends of the NYMTC region. The appendix should include additional information about how local routes in the region connect to the EST, the closing of protected or off-road gaps in the NYMTC area in the plan period, and which funding sources are anticipated for that work.

NYMTC Response: The EST is described in the context of its connection to the North-South County trailways, which are described in more detail in Table B-12.

Comment 6: There are two graphs on page B-5 that are titled Bicycle Crashes and Pedestrian Crashes. The titles neglect to mention that motorized vehicles may have been the cause of the “crashes” and suggests that bikes either crashed with each other or with roadway obstacles. A footnote cites the NYSDOT intelligent transportation systems database as the source for the graphs' data. The graphs should be changed to indicate that vehicles were involved in these crashes (e.g., “MV-Bicycle Crashes” and “MV-Pedestrian Crashes”) and additional details about cause or fault should also be discussed. If the NYSDOT data does include this information, then NYMTC should ask NYSDOT to enhance its data collection.

NYMTC Response: This is the existing nomenclature for this data. A follow-up review of the data source will be undertaken.

Comment 7: Funding is the subject of section 1.3.2 of the appendix on page, B-6. The text mentions FHWA and NYSDOT funding for pedestrian and bicycle projects. The appendix should also refer to FTA funds that can be used for bicycles. See the FTA page: <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/livable-sustainable-communities/fta-program-bicycle>

NYMTC Response: The text will be changed to indicate federal and state funding.

Comment 8: The growth in bicycle trips in New York City is mentioned under “Demographic Trends” on page B-9. The plan should include information about how ferries can provide connections between the boroughs for bicycle riders. Other ferries should also be encouraged to allow bicycle riders on board. In addition, the plan should address making transit and railroad trips with bicycles. Only some transit in the region is welcoming to bicycles, and NYMTC should be working to make transit more accommodating of bicycles. That could include the addition of secure bicycle storage at transit stations.

NYMTC Response: Reference to ferry accessibility in New York City will be added. Federal funding through the metropolitan planning process has been applied to transit equipment to accommodate bicycles. However, NYMTC organizationally is not responsible for the operating policies of the transit providers in its planning area.

Comment 9: Bicycle and pedestrian routes should, as NYMTC's plan acknowledges, be coordinated across municipal boundaries. The list on page B-12 of New York City projects that were underway should indicate which projects also connect across the city line to other jurisdictions. NYMTC should work with its members to assure that planning and design for bicycle routes anticipates connectivity that allows for trips that can cross those boundary lines.

NYMTC Response: Connectivity is reflected in the master projects/programs/studies list which appears in Appendix A. NYMTC's members work together to develop non-motorized projects and programs throughout the planning area.

Comment 10: The second paragraph under Section 2.4.1 on page B-18 has an error in the fourth sentence. The word “all” should be deleted so the sentence will read, “The number of workers working from home has increased since the 2010 ACS estimates.”

NYMTC Response: The correction will be made.

Comment 11: The photograph of Patchogue Mayor Paul Pontieri on page B-19 should be replaced with a rider who is wearing a bicycle helmet. According to the Cleveland Clinic, “All bike riders should wear bicycle helmets. Each year in the United States, about 800 bicyclists are killed and another 500,000 end up in hospital emergency rooms. About 2/3 of the deaths and 1/3 of the injuries involve the head and face. Wearing a helmet can reduce the risk of head injury to bicyclists by as much as 85 percent.” (<https://my.clevelandclinic.org/health/articles/4374-bicycle-helmet-safety>) The plan document should be setting an example for all bicycle riders.

NYMTC Response: The change will be made.

Comment 12: Also, on page B-19, under the subheading Bethpage Ride, the last sentence in the first paragraph refers to one hundred bicycles. The word should be plural.

NYMTC Response: The correction will be made.

Comment 13: Section 2.5 is about NYSDOT Region 10 projects. In the first subsection, 2.5.1, the appendix mentions an existing route in Nassau County. This is an example of a route that could be linked across the Nassau County- New York City line. Is either jurisdiction working to make this route link with Far Rockaway?

NYMTC Response: Connectivity is reflected in the master projects/programs/studies list which appears in Appendix A. NYMTC’s members work together to develop non-motorized projects and programs throughout the planning area.

Comment 14: Further in the Region 10 section is subsection 2.5.2, Planned Facilities. There is a project planned an on-road facility on Route 112 to connect to the existing Bicycle Route 25 and the Port Jefferson-Bridgeport Ferry. Since this ferry service allows you to ride your bicycle aboard one of their three ferries, the text should highlight that feature.

NYMTC Response: This aspect of the ferry service will be noted.

Comment 15: The chapter on micromobility includes section 3.4 on page B-36, there is an explanation of active beacon crosswalk lights. The use of this technology would be a great addition to safety for those needing to cross against vehicular traffic. NYMTC should encourage its members to incorporate these beacons at those crossings for pedestrians and bicyclists that do not already have a traffic signal.

NYMTC Response: The comment is noted.

Comment 16: Chapter 4 makes recommendations for strategies and action items. This clearly documents priorities that the Croton BPC shares with NYMTC, and some were included in the Village's bicycle-pedestrian master plan. NYMTC can strengthen this chapter by linking the action items with project examples for completed and/or planned projects.

NYMTC Response: The master projects/programs/studies list which appears in Appendix A. Section 1.2 of Appendix B discusses recent accomplishments.

Comment 17: An inventory of facilities is presented in Chapter 5, and it includes NYSDOT Region 8's inventory for the Lower Hudson Valley. The list includes locations outside of the NYMTC members' area.

That is helpful for trip planning to the greater Hudson Valley. NYSDOT should be requested to highlight its facilities in Rockland, Putnam and Westchester. The inventory omits the Appalachian Trail that crosses those same three member counties.

NYMTC Response: NYSDOT's facilities in Putnam, Rockland and Westchester has been included in Chapter 5. Since these are listings of bicycle facilities, it is inappropriate to include the Appalachian Trail.

Appendix F

Commenter CP-1: Virginia Melendez, WellLife Network

Comment: I am requesting that our agency, WellLife Network, be included as part of the list of transportation providers in the next Coordinated Plan

NYMTC Response: The WellLife Network will be added to the appropriate section of the Coordinated Public Transit-Human Services Transportation Plan

Appendix H

Commenter RFE-1: Civics United for Railroad Environmental Solutions (CURES)

Comment 1: Including Construction and Demolition debris to be containerized as MSW needs to be addressed. Locomotives that move waste by rail must be upgraded to Tier 4 so environmental impacts are minimized

NYMTC Response: Appendix H: Regional Freight Element lists waste and scrap materials (STCC 40) as one of six critical supply chains in the NYMTC planning area. The description of the supply chain indicates: "Waste includes waste and scrap materials, MSW, and construction and demolition debris." Figure H-2-31 illustrates the steps in the supply chain of waste moving in the NYMTC planning area. As an organization, NYMTC is not responsible for the actual procurement of rolling stock. Rather its responsibilities are to plan for and make decisions on the use of federal funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53. The recommended regional study of needs and opportunities associated with the movement of waste could explore the suggested consideration of locomotive repowering but has not yet been scoped beyond the recommendation in the Freight Element.

Comment 2: TIP projects for getting rid of measurable pollution from waste by rail. 1970s locomotives need repowering to Tier 4

NYMTC Response: As an organization, NYMTC is not responsible for the actual procurement of rolling stock. Rather its responsibilities are to plan for and make decisions on the use of federal funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53. Among the programmatic recommendations in the Regional Freight Element is locomotive equipment upgrades for cleaner fuel operation.

Comment 3: NYMTC addresses the lack of regional planning for waste by rail. NYMTC has a regional plan for MSW so thank you for that. However, NYMTC's planning must include C & D construction and demolition debris as well. In Action Item 2.2 C & D including domestic and commercial waste must be included. This containerization issue must be addressed to minimize impacts on the environment which is one of NYMTC's goals. All waste by rail covered. In addition, there needs to be TIP projects for getting

rid of measurable pollution from waste by rail. 1970s locomotives repowered to Tier 4 switchers. There are limitations to the 10-acre rail yard in Glendale Queens. Everything on and off Long Island must go through this rail yard creating bottlenecks and overpasses becoming part of parking empty rail cars. Congestion strategies needed.

NYMTC Response: The Regional Freight Element lists waste and scrap materials (STCC 40) as one of six critical supply chains in the NYMTC planning area. The description of the supply chain indicates: "Waste includes waste and scrap materials, MSW, and construction and demolition debris." Figure H-2-31 illustrates the steps in the supply chain of waste moving in the NYMTC planning area. However, this description does not constitute a "regional plan for waste". The Freight Element does recommend a regional study of needs and opportunities associated with the movement of waste, noting that "various agencies and transportation carriers have studied the question extensively, and the opportunity for NYMTC is to build on this work and identify needed multimodal freight transportation improvements at a regional level." Thus, the initiative proposed will not attempt to produce a regional waste plan but would be focused on the movement of waste on a regional scale.

Comment 4: Waste Supply Chain and Action Item 2.2: NYMTC's update very commendably addresses the need for regional waste transport planning. Recently, seeing this void in solid waste management planning, Assembly Environmental Conservation Chair, Hon. Steve Englebright, put a \$250,000 appropriation in the recently passed state budget to address DEC's lack of regional waste planning, and the resulting environmental and health impacts. This planning is supposed to include impacts on Environmental Justice Communities and impacts from the Brookhaven Landfill.

How do we know this? Because Baykeeper and Riverkeeper have given notice recently that they are going to sue transfer stations that process C&D for Clean Water Act violations in federal court, as described at this link and in the excerpt below: <https://www.nylpi.org/waste-transferfacilities-in-jamaica-are-violating-the-clean-water-act-according-to-notices-of-intent-to-suefrom-ny-nj-baykeeper-and-riverkeeper/>

The Notices allege that waste transfer facilities belonging to American Recycling Management LLC and Regal Recycling Co., Inc. on Douglas Avenue in Jamaica, Queens, are operating in violation of the Clean Water Act by discharging polluted stormwater into Jamaica Bay without obtaining, or meeting the conditions of, the required National Pollution Discharge Elimination System permits. This Notice triggers a 60-day waiting period, required by the federal law, after which a complaint may be filed in federal court.

The facilities' polluting practices do not only affect Jamaica Bay; the residential community that surrounds the facilities in Jamaica, Queens, have faced the harmful impacts of the facilities' pollution for over a decade. As a result of the facilities' practices, community members are subjected to putrid odors, loud noises from truck traffic, and excessive dust from construction and demolition materials.

The New York State Department of Environmental Conservation (DEC) has designated Jamaica Bay as “impaired,” or not meeting water quality standards required to support fish habitats or water contact recreation. The DEC cites polluted stormwater runoff as a primary source of pollutants that cause bodies of water, like Jamaica Bay, to be listed as impaired.

Many affected community members testified to the detrimental impacts from these facilities’ operations at a New York City Council Sanitation Committee Hearing on June 24. The hearing was held to consider Int. No. 2349, a bill that would allow the companies to increase these facilities’ permitted capacity, or the amount of waste they can process each day. Increasing capacity, especially in light of the pollution these Notices allege, would undo the progress made by the Waste Equity Law of 2018, and allow these facilities to continue to operate with impunity.

A CURES Board Member recently took the photographs (see correspondence section) below of a three-sided building with a roof owned by Regal-Royal-American. They show their polluting, open air processing operations on Douglas Avenue in Jamaica. The lack of containment of waste and lack of pollution controls at this facility mean that this particulate pollution is fouling community air and running into and clogging up storm drains. This is the problem Riverkeeper and Baykeeper are addressing. When C&D is dumped and crushed in an open gondola in a three-sided building with a roof, and then the C&D is hauled into NYC and cross country in an open rail car with drains in the bottom, it pollutes air and water too. And when C&D gets into the landfill, decomposing gypsum drywall generates toxic hydrogen sulfide gas.

See Riverkeeper’s testimony to DEC on the Part 360 update below (see correspondence section), which describes why C&D pollution is an Environmental problem, not just a “Quality of Life” problem. This is totally needless air and water pollution because there are modern technologies that can eliminate it. Please add language to the plan update that acknowledges this as an Environmental problem -- just like the unregulated freight locomotive fleets are an environmental problem (Goal 123), include C&D in the regional study, and develop TIP projects to eliminate pollution from this industry. Thank you.

NYMTC Response: In its recommendation to perform a regional study of needs and opportunities associated with the movement of MSW, the Regional Freight Element of *Moving Forward* indicates that “various agencies and transportation carriers have studied the question extensively, and the opportunity for NYMTC is to build on this work and identify needed multimodal freight transportation improvements at a regional level.” Thus, the initiative proposed will not attempt to produce a regional waste plan, but would be focused on the *movement* of waste on a regional scale.

Additionally, Table H-7-1 on page H237 indicates that Action Item 2.2 is directly related to *Moving Forward’s* vision goal of Reducing Environmental Impact.

Comment 5: In Action Item 2.2, “MSW” must be understood at the state and local level to include C&D. NYMTC receives federal funds, and as federally defined, “MSW” includes C&D, according to Congresswoman Grace Meng’s office. However, MSW, as defined by NYS, is putrescible waste. C&D is a separate category of waste. MSW is already hauled in sealed, leakproof rail containers per a New York & Atlantic Railway tariff. For clarity and for NYMTC’s study to do the job the region needs for its #1 outbound commodity, action Item 2.2. must read: “Perform a regional study of needs and opportunities associated with the movement of MSW and C&D.”

NYMTC Response: This change will be made.

Comment 6: Open, muffin top loads of C&D in rail gondolas have caused derailments on MNR and LIRR (recently April 2021). C&D is shipped in open gondolas that emit waste blowoff, leachate and odors, polluting community air and water. Both MSW and C&D are hauled by high-polluting 1970's locomotives in densely populated neighborhoods of the NYMTC region, where they do the most harm to the most people. NYMTC's study must comprehensively address these impacts.

NYMTC Response: Open gondolas are an example of the "needs" referenced in Action Item 2.2. With regard to the derailment cited, it occurred on May 11, 2021. The cause of the incident has not been determined, as the investigation is ongoing at this time.

Comment 7: C&D must be included in any study of waste transport because it greatly impacts both truck and rail traffic. Nationwide C&D is 68% of the tonnage that is being shipped to landfills by truck and rail (see the slide below from Durst Organization affiliate Building Product Ecosystems, <https://www.buildingproductecosystems.org>)

NYMTC Response: As indicated in an earlier response, C&D will be added to the recommended Action Item 2.2.

Comment 8: There need to be more granular descriptions in NYMTC's Waste Supply Chain that describe the various different types of waste that are being transported, all of which have transportation impacts for this #1 outbound commodity. The current description is inaccurate. For example, when C&D is transported by rail from Suffolk County, the crushed C&D is not hauled in sealed containers, as NYMTC's Waste Supply Chain description implies. Instead it is hauled in Plate F gondolas covered only by pervious orange netting (a CSX tariff). With C&D, after the materials that must be recycled from the C&D are removed, a massive amount of "C&D Residue" is exported from the region to landfills by truck, or by rail in open, unsealed gondolas. Again, C&D must be included explicitly in Action Item 2.2 and the Supply Chain description.

NYMTC Response: The Regional Freight Element lists waste and scrap materials (STCC 40) as one of six critical supply chains in the NYMTC planning area. The description of the supply chain indicates: "Waste includes waste and scrap materials, MSW, and construction and demolition debris. Figure H-2-31 illustrates the steps in the supply chain of waste moving in the NYMTC planning area. The description does indicate that: ". At the transfer station, waste products are compressed and loaded into sealed containers for transport by truck or rail to a materials recovery facility." This statement will be revised to better reflect operational conditions. Additionally, reference to "C&D residue" will be added.

Comment 9: An omission in the Waste Supply Chain study and in Table H-6-4 (Need for Cleaner Operations) is that in NYMTC's last Regional Transportation Plan, Goal 124 (below) stated that these waste gondolas should be covered. That Goal should be stated in this section of the update. Because of loopholes in state and federal law, this waste is hauled in open gondolas at the discretion of waste haulers and railroads. The open cars emit particulate pollution -- the dust from crushed construction waste. Because of how the gondolas are shaped at the bottom, because they are too heavy to pick up, turn upside down, and empty, and because they don't have solid covers, waste and leachate both collect in the bottom of the cars and run out the drains in the bottom. When putrescible commercial waste is illegally mixed in with the C&D, the trains leave stinking leachate on the tracks after they pass by homes. Go to this link to see filthy empties in neighborhoods of NYC where they are hauled, classified, and stored: <https://www.facebook.com/304819876821/videos/10154498169791822>

Following are a few photos of problems caused by open rail cars of C&D and primitive open air C&D processing (in a building with 3 walls and a roof) at WIN/Tunnel Hills Partners Suffolk Co. facilities. The MTA and LIRR are silent partners in this filthy business, which could not exist without the use of their assets, including Farmingdale Yard and LIRR's freight rail concessionaire, the New York & Atlantic Railway. Note the photo of WIN/THP's Coastal Facility's annual report to DEC that shows MTA is the owner. Note recent photos of WIN/THP C&D operations and gondolas derailed on the main line, at Jamaica (in April 2021), and in Ohio. Note the photos of what this has been like for residents all along the rail line -- whose health, quality of life, and use and enjoyment of their property have been adversely impacted because this new industry has made private fortunes without investment in modern technologies, creating a serious and unjust imbalance of private profits and public costs. The MTA, LIRR, and DEC have turned a blind eye to this mess. Gratitude to NYMTC for proposing a study.

Are these companies too poor to contain this waste in modern transfer stations with pollution controls and in covered rail cars or sealed containers? No. Private fortunes have been made since this filthy, publicly subsidized industry started up in Farmingdale Yard in 2008. This is an excerpt from a *Waste Dive* article that describes Australian multinational independent investment bank Macquarie Group's purchase of Tunnel Hill Partners, which was then acquired by Wheelabrator's WIN Waste Innovations.

Founded in 2008 by principals at American Infrastructure MLP Funds, Tunnel Hill has a major behind-the-scenes presence in the Northeast. The company has grown through multiple acquisitions, including the 2014 purchase of WCA Waste's Northeast assets. For the 12-month period ending in June 30, 2018, revenues were reportedly \$280 million.

With a footprint spanning from Ohio to Massachusetts, Moody's described Tunnel Hill as benefiting from "a unique, difficult to replicate network of collection and transfer assets in a region that is experiencing sharply declining disposal/landfill capacity." The Connecticut-based company now owns two Subtitle D landfills, 14 transfer stations (including many with rail capability), two recycling facilities, one beneficial use burial site and the collection company City Carting.

"...[T]he margins are quite attractive because it's primarily a disposal asset," said Hamzah Mazari, managing director at Macquarie Capital, who had no role in this deal. "We think also the fact they're in the Northeast location-wise is strategic, because as you know there's landfill capacity that's going to shut down in that region over the course of the next few years by 2021. And so what it will do is make these assets in the marketplace even more valuable."

NYMTC Response: Item 124 in the NYMTC Plan adopted in 2017 called for the replacement of gondola cars with sealed containers for waste hauling by rail. This was an aspirational recommendation, given the legal discretion available to waste haulers and railroads. For the Regional Freight Element of *Moving Forward*, this recommendation has not been restated specifically, but has been subsumed into Action Item 2.2 as part of the recommended regional study of needs and opportunities. Additionally, MTA Long Island Rail Road (MTA LIRR) engages in regular oversight of New York & Atlantic's operations. It is also MTA LIRR's understanding that the New York State Department of Environmental Conservation has procedures in place to ensure that only authorized waste is processed at construction & demolition facilities.

Comment 10: Other reasons why both MSW (including Domestic and Commercial Waste) and C&D must be explicitly understood to be included in Action Item 2.2: This is not just a “quality of life” issue. It is an environmental and public health issue. See Riverkeeper’s testimony to DEC below:

V. Containment Standards for Waste-by-Rail Operations

The proposed Part 360 regulations exempt transport of waste by rail from operating requirements in Part 364-4.8(g) which mandate that “[a]ll wastes must be properly covered or contained during transport so as to prevent leaking, blowing, or any other type of discharge into the environment.” See proposed 6 NYCRR § 364-2(a). The loophole allows for precipitation to enter uncovered railcar containers. The precipitation may then leach through the waste and enter the environment without treatment along the route of train corridor, potentially exposing vast areas and waterways to contamination. During dry conditions, dust can blow off the uncovered containers, contaminating air, soil and water in areas surrounding the train routes.

NYMTC Response: As indicated in an earlier response, C&D will be added to the recommended Action Item 2.2.

Comment 11: The waste-by-rail industry -- putrescible and C&D -- is growing in the NYMTC region, impacting more communities with pollution, including Environmental Justice Communities like Brentwood, where a new facility that will handle C&D and putrescible was just permitted. Unlike NJ, which has a law that requires a study of cumulative impacts before another polluting facility can be sited in an Environmental Justice Community, NYS requires only “enhanced participation” before DEC approves the permit on a siloed, site-by-site, industry-driven basis. Here is DEC’s description of a public comment on the Omni Brentwood permit:

Environmental Justice

Comment 1: Constituents bear the burden of a legacy of environmental racism by approval of harmful projects in the community. Community is already overburdened by superfund sites, brownfield sites, three power plants, industrial and commercial facilities. Siting a solid waste facility in a low-income, predominately minority neighborhood goes against the principles of environmental justice and directly injures the residents of the Brentwood neighborhood. Study by the Health Department found Brentwood Gardens suffered high rates of colorectal cancer and asthma, which can be attributed to ongoing exposure to toxic substances. Deny the permit.

Here is a recent letter from the NAACP on a proposed waste-by-rail facility in Brookhaven, which demonstrates adverse impacts and lack of regional planning.



NYMTC Response: Issues of equity in the provision of transportation services are prominent in the NYMTC members’ Shared Vision for Regional Mobility that serves as a strategic framework for *Moving Forward*. As stated in the Regional Freight Element: “The Shared Vision for Regional Mobility brings additional focus to issues of resiliency and equity. While these issues were addressed to some degree in the previous freight plan, the current Freight Element more specifically addresses the meaning of resiliency and equity in the context of regional goods movement and identifies appropriate actions.”

In the area of waste-by-rail, the appropriate action is identified as the recommended “regional study of needs and opportunities” associated with the movement of waste, with the hope that such a study can provide a transportation-related context for future investments and decisions by relevant NYMTC members and other agencies. Organizationally, NYMTC has no direct responsibility over the permitting described in this comment, but the organization can seek to provide a regional transportation context.

Comment 12: See below a March 2021 map (see correspondence section) from *The State of Waste in Queens* report, which shows how the industry is growing, site by site, and how many people are impacted by pollution in the Yellow Zone on the map (people within 1 km. of freight rail facilities). Industry expansion puts more pressure on the limited capacity of Fresh Pond Yard and increases truck traffic. NYMTC’s regional MSW and C&D study and TIP projects to address findings are needed now.

NYMTC Response: The comment is noted. The Regional Freight Element does not specifically indicate a timeframe to perform the recommended regional study of needs and opportunities associated with the movement of waste. Decisions on the timing of specific studies will be made by NYMTC’s members as each annual Unified Planning Work Program is developed and adopted.

Comment 13: Figure H-5-17: Is this air quality data that is being collected from roof tops? If so, NYC’s Community Air Surveys have proved that at street level, where people live, air quality is generally worse when there is local pollution source, like a freight rail facility. For information about locomotive pollution please see: <https://ww2.arb.ca.gov/our-work/programs/reducing-rail-emissionscalifornia/concepts-reduce-emissions-locomotives-and>

NYMTC Response: For Figure H-5-17, the diesel particulate matter data set was interpolated using the annual average of each Census tract from the 2019 Environmental Justice Indexes dataset. The data is owned and managed by the USEPA.

<https://edg.epa.gov/metadata/catalog/search/resource/details.page?uuid={97EB81AC-C3A1-4358-B3FE-1ED031EBACE4}>

Comment 14: All waste and scrap are delivered to transfer stations by truck, even if rail is used for the outbound shipment, and some of this truck traffic is inter-county in the NYMTC region. For example, 40% of the C&D tonnage processed by WIN/Tunnel Hill Partners in Suffolk County was hauled there by truck from NYC before being dumped and crushed in a rail car, according to their 2018 - 2021 Annual Reports to DEC. A recent environmental impact report on NYC Council Bill Intro 2349 found that use of freight rail resulted in a reduction of few trucks.

A rough total population count would be 1,744,153 using ACS 2014-2018 data. This uses census tracts so it over selects.

Row Labels	Sum of acsEstimate!!RACE!!Total population
Bronx County	420091
Nassau County	264344
Queens County	765115
Suffolk County	294603
Grand Total	1744153

NYMTC Response: The comment is noted. A review of the 2018 Transearch data base does show the movement of waste from New York City to Suffolk County. The recommended regional study could explore this in greater detail.

Comment: 15: New York City's new waste laws may impact regional waste flows. NYC's Commercial Waste Zone law specifically includes commercial waste and excludes C&D, so C&D trucks can go anywhere. NYC's Waste Equity Law allows operators who use direct rail to keep tonnage they would otherwise lose, and there is pending City Council legislation to make that rail exception easier to get. This could mean more shipment by rail, putting even more pressure on Fresh Pond Yard's limited capacity. NYMTC has demonstrated responsibility in addressing capacity issues by suggesting planning directions in this plan update. These include facilitating direct shipment of waste off Long Island to Oak Point Yard, without stopping at Fresh Pond Yard. However, Action Item 2.2. -- including both MSW and C&D -- needs funding and approval now to develop detailed plans and projects with stakeholders that will ensure the region's needs are met Sustainably.

NYMTC Response: The comment is noted. The Regional Freight Element does not specifically indicate a timeframe to perform the recommended regional study of needs and opportunities associated with the movement of waste. Decisions on the timing of specific studies will be made by NYMTC's members as each annual Unified Planning Work Program is developed and adopted. The recommended regional study will need to consider legal and regulatory impacts on waste movement.

Comment 16: Just as NYMTC has commendably acknowledged Climate Change as a major factor in transportation, this plan update should acknowledge how failure to modernize the freight rail system (see NYMTC Goal 123 on page 3 of this comment) and waste-by-rail, and landfilling waste is creating unsustainable public costs, and that there is new equipment that reduces pollution, and recycling action at scale to reduce waste export to landfills.

NYMTC Response: The Regional Freight Element details the supply chain for waste. The Freight Element also details the performance and needs of the rail freight system, including connectivity to the larger national rail network. In doing so, the Freight Element recommends actions to modernize and improve rail freight in the NYMTC planning area and larger multi-state metropolitan region. Those recommendations include upgrading locomotive equipment to cleaner fuel operation.

Comment 17: H138: NYMTC has demonstrated responsibility in bringing forward the need for clean transportation and the fact that “the types of commodities where water and rail play their largest roles - fossil fuels and waste -- are likely to hold a declining share of regional good movement,” unless they can adapt to handle e-commerce and other growth commodities.

NYMTC Response: The comment is noted.

Comment 18: The Waste Supply Chain should acknowledge NYC’s commitment to curbside composting, which involves pickup by city trucks and has the significant potential to reduce landfilled MSW by more than a third, as former DSNY Commissioner and runner-up NYC Mayoral Candidate Kathryn Garcia advocated. Another example is recycling gypsum drywall instead of shipping it to landfills, where it produces toxic hydrogen sulfide gas as it decomposes. These slides from Durst Organization affiliate Building Product Ecosystems show how gypsum drywall could be diverted. Amanda Kaminsky of Building Product Ecosystems said that landfilling drywall gypsum should be illegal because it’s a mined mineral, there are environmental and public health impacts, and recycling can stabilize the supply chain for this building product staple. The Queens, Manhattan, Brooklyn, and Bronx Solid Waste Advisory Boards are resources for NYMTC re. diversion of waste from landfills.

NYMTC Response: Curbside composting will be added to the waste supply chain description.

Comment 19: NYMTC has demonstrated responsibility in Table H-6-4 in stating the “Need for cleaner operations.” LIRR has received \$27 million in NYS appropriations -- \$3M a year since 2013 -- to repower NYA’s 1970’s locomotive fleet to Tier 4 Switchers but hasn’t done it. Instead LIRR purchased “Tier 3+” PR20B prototype locomotives that have proven to be unreliable, sold 4 MP-15s LIRR was supposed to repower and had the state appropriations to repower to NYA for a total of just \$45,400 (and NYA is “refurbishing them one by one, with no repowering of the unregulated engines), and gone off on a tangent with MTA RFP 6263 to purchase prototype 2410 bhp Line Haul locomotives with Cummins engines that are misapplied and won’t operate with Tier 4 emissions while doing low speed, Switcher work in neighborhoods of NYC and greater LI. LIRR also refused to participate in NYC EDC’s highly successful repowering project with DSNY and Waste Management using a DERA grant, which yielded a reliable, near zero emissions Switcher that NYA said works “fantastic” during a NYMTC presentation. LIRR’s purchases of hyper customized prototype locomotives from “established” vendors and consultants has helped push their maintenance costs to more than 4 times the industry average and 25% more than MNR’s maintenance costs. NYMTC also has demonstrated responsibility in the RTP and this update by calling attention to the pollution problem in Goal 123 in the RTP.

CURES asks that NYMTC's Clean Freight Corridors and Regional Waste Study projects include options for a Tier 4 Switcher repowering project, such as the Port Authority did for NYNJ Rail in 2015 and WM did, removing up to 99% of this needless pollution out of the air our families are breathing.

Figure H-5-16: Why is LIRR not responding to this?! New repowering options have emerged including this Wabtec option that CSX is pursuing:

https://www.progressiverailroading.com/csx_transportation/news/CSX-toinstall-Wabtec-locomotive-modernization-technologies--63835?oly_enc_id=6133B7706701F2A&utm_medium=email&utm_source=prdailynews&utm_campaign=prnewsletter-2021&fbclid=IwAR0LviaCrfGawvzB7m

NYMTC Response: As an organization, NYMTC is not responsible for the actual procurement of rolling stock, nor is it responsible for the use of New York State funding. Rather its responsibilities are to plan for and make decisions on the use of federal funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53. However, the Low Emissions Diesel Locomotive procurement ("MTA RFP 6263") is an active procurement for the purchase of Tier 4-compliant engines for New York & Atlantic freight and MTA LIRR work service.

With regard to the studies cited, the Clean Freight Corridors Planning Study is focused on roadway corridors and alternative charging/fueling facilities for commercial vehicles and trucks. The recommended regional study of needs and opportunities associated with the movement of waste could explore the suggested consideration of locomotive repowering but has not yet been scoped beyond the recommendation in the Freight Element.

Comment 20: Inland Ports: We don't see how the Alameda Corridor fits in this category, and NYC can't build anything like Virginia Inland Port. Imagining that Maspeth can be such a place is wishful thinking. There's no space for this, and property is being gobbled up. The freight plan says that there's 20,000 feet of track in this Va. Inland Port, 4 miles of yard tracks. Not possible in Maspeth. "New York City will evaluate siting options for an inland port that leverage existing rail corridors. This will provide users of the inland port with the quick and reliable access needed to ensure goods are delivered on time." The sites are going or are gone. Maspeth is going to be an inland terminal? So, cargo is going to be delivered somewhere? Transloaded? Then barged to Maspeth to be redelivered, "leveraging" "existing rail corridors?" Where is this going to happen and where are the customers willing to pay for all this handling and time? NYA rail service is "quick and reliable?" Ask the existing and ex-customers. NYA was running freight trains on July 4th, 2021 because they don't have enough locomotives to make their trains longer. They are hauling trains of empty cars. Of the 10 ASC units supposedly at their disposal, one (NYA 301, a PR20B) has been out of service for more than 2 years, one of the MP15's is on its way to a rebuilder in East St. Louis, and the other 8 are unreliable especially NYA 300 (a PR20B), which recently came out of LIRR's Morris Park Shop.

NYMTC Response: The Inland Port concept description that appears as Figure H-6-10 was excerpted from *FreightNYC*, a \$100 million plan to overhaul New York City's aging freight distribution systems through strategic investments to modernize our maritime and rail assets and create new distribution facilities. Although a standalone freight plan, *FreightNYC* is considered to be *nested within* NYMTC's Regional Freight Element. As part of *FreightNYC*, New York City will evaluate siting options for an inland port that leverage existing rail corridors.

Comment 21: Urban Distribution Concept - You know who has one and is building it out? Amazon. If you go to all those sites along the Lower Montauk and Bushwick ROW that were and could have been rail

transload facilities, what you will see are trucking terminals and warehouses. FedEx has a big place near the Kosciusko Bridge that's brand spanking new. They took over several properties along the old Kearny Sidings a few years ago. On the Bushwick, where Bohack had warehouses, there's a big new truck terminal. We saw the plans a few months ago. NYMTC has put ideas on paper as a blueprint to 2050, and it's already obsolete. People who want to do business here have their own ideas. They're not waiting for government planning, and they're not asking for freight rail.

NYMTC Response: The Urban Distribution concept description that appears as Figure H-6-9 was also excerpted from *FreightNYC*, which describes freight hubs as existing industrial areas where multiple forms of transportation (rail, maritime, and highway) support urban distribution and manufacturing businesses. *FreightNYC* recommends making investments in these existing freight hubs that meet current freight demand while accommodating growth in e-commerce, ensuring economic growth, and making New York City more resilient against supply chain disruption.

Comment 22: The Staten Island Facility - The Staten Island facility is very nice, but for Long Island, what expansion means is trucks from Staten Island instead of NJ. Related to this is the Cross Harbor Tunnel plan, which moves the truck pick-up and drop-off point from NJ to Brooklyn or Queens, without a plan for what to do with the resulting increased truck traffic at truck-rail distribution terminals or mitigating the other impacts of this heavy industrialization on the health and quality of life communities of NYC where it doesn't exist now. The idea that this tunnel "gets trucks off the road" is more wishful thinking. This is from CURES' public comment on the FEIS, which includes quotes from the New Jersey Motor Truck Association:

Testimony shows the Cross Harbor planners discarded practical alternatives with immediate or bigger payoffs to pursue the tunnel: The FEIS states the Cross Harbor team didn't change any conclusions in response to public testimony on the DEIS. Alternatives that would provide relief in the short term or have greater impacts in the long term were dismissed in the DEIS and FEIS. These included incentives for off-hour truck deliveries, which the Cross Harbor testimony of the executive director of the New Jersey Motor Truck Association said the organization would support. Chapter 12, Comment 4-44, Page 12-52: We would support more incentives for off-hour deliveries, such as the New York City Department of Transportation (NYCDOT) successful off-hour delivery program. This would require support from shippers and receivers. We also recommend a study to determine the effectiveness of truck only lanes that could help to expedite freight moving by truck. (Toth)

The new maps in the FEIS show more than 1,300 trucks a day concentrated at points in Brooklyn and Queens -- for a reduction of 700 – 900 trucks on eastbound Hudson River and harbor crossings in a 23- county area, all the way up to Beacon-Newburgh. Toth makes the same point that CURES offered in its DEIS testimony: Page 86, Comment 5-23: With few exceptions the final leg of the shipment will move by truck. You are not reducing truck shipments but merely moving the location for pick-up and/or delivery.

Bigger payoff alternatives involving passenger rail or commuters also were dismissed, as many who offered testimony noted, including Toth in her Comment 4-43, Page 12-52: Nowhere in the study is there any recommendation for increasing commuter rail or providing ferry service for cars and buses. Cars and buses combined make up more than 90 percent of the traffic and cause far more congestion and emissions. Ultimately, the congestion these vehicles create increases the cost of goods.

NYMTC Response: In Table H-6-4, the Regional Freight Element identifies the need for terminals to accommodate railcar handling and switching and recommends continuing to explore improvement opportunities as needed at Arlington Yard (Staten Island), Hunts Point (Bronx), and 65th Street (Brooklyn). The Freight Element describes the Cross Harbor Freight Program as a more direct rail connection between New Jersey and the East of Hudson to serve multiple railroads and acknowledges that the Program will undergo a Tier II Environmental Impact Statement (EIS). Tier I of the EIS involved analyzing a range of alternatives at a high level, including the degree to which they advance the goals of the Program. At the conclusion of Tier I, a smaller number of alternatives – designated as Preferred Alternatives – were recommended for more detailed study and analysis in Tier II. This detailed study has not yet commenced.

Taken together, the Rail Network Connectivity Improvements section of the Freight Element considers the regional truck vehicle miles traveled reductions that may be possible through improved connectivity to the national rail network and additional terminals to accommodate railcar handling and switching.

Comment 23: NYMTC very diplomatically states, “As discussed in Chapter 5 of *Moving Forward*, every project requires coordination and collaboration between the public sector and private sector. However, unless the private sector contributes additional funding, these partnerships often simply provide access to some form of financing (typically bonds and other forms of loans) that must be paid back over time, with interest, using traditional freight transportation funding sources.” In the case of the Cross Harbor Tunnel, even though it is being planned at public expense for use by private companies, no private company has stepped forward to participate in financing it. In fact, CSX said in their public comment they would only use the tunnel if their own facilities were inoperative, in an emergency, on a temporary basis. This is in stark contrast to the public-private partnerships that modernized the facilities in and around the NJ Port. Nine years after Storm Sandy, in July 2021, water poured into the NYC subway during Tropical Storm Elsa, LIRR trains are literally crawling from Penn Station to Jamaica, and both LIRR and NYA are using unregulated freight locomotives from the 1970’s (the excess pollution of 1.2 million cars!), and yet scarce public transportation funds are still being devoted to planning this tunnel. Why?!

NYMTC also diplomatically mentions the need to listen to stakeholders. CSX already told PANYNJ they have no use for the Cross Harbor Tunnel and won’t be short shipping themselves to use it. Yet some planners are still insisting that it’s an advantage for CSX not to have to go those miles up to Selkirk. The Selkirk argument was in the Cross Harbor Tunnel EIS and was debunked by CSX in their public comment. However, it appears again in this freight plan update, along with the “Need for improved rail access to the East-of-Hudson Region,” as in **Table H-6-5**. Why?! The text below is from CURES’ 2015 public comment on the FEIS for the Cross Harbor tunnel, which quotes from the PANY-NJ Planners’ work and CSX’s public comment on the tunnel:

Appendix A of the DEIS tells us that the premise underlying rail traffic modeling for the tunnel was that rail traffic would be diverted in Selkirk and in Mechanicville to the tunnel, and that shippers would use that route because it was a shorter and cheaper, a new and better rail route. Here is an example of this thinking from A-20, Appendix A:

One important value-added result from this effort was to quantify the amount of rail traffic that the Rail Tunnel Alternative or the Enhanced Railcar Float Alternative would be likely to attract from existing Selkirk and Mechanicville rail routings. The diversion percentages and totals were calculated for year 2007 traffic and inflated to 2035 projected volumes based on the growth rates discussed previously. The analysis was sensitive to different levels of service (interchange costs, service delays, etc.) between the three operating scenarios associated with the Rail Tunnel Alternative (Seamless, Base, and Limited Operating Scenarios), the Rail Tunnel with Shuttle Service Alternative, the Rail Tunnel with AGV Technology Alternative, the Rail Tunnel with Chunnel Service Alternative, and the Enhanced Railcar Float Alternative. In every case, traffic over Selkirk and Mechanicville was projected to grow substantially and the rate of that growth was projected to be modestly reduced by the Rail Tunnel Alternative and the Rail Tunnel Alternatives with service and technology options, and only slightly by the Enhanced Railcar Float Alternative.

Planners looked at a railroad map and imagined commodities could move along any series of connections. Here's what CSX had to say about these faulty assumptions and their fatal implications for the tunnel in its FEIS Testimony:

Comment 5-88: ...The DEIS, however, appears to assume that the majority of CSX freight to and from New York City passes through a Trenton, New Jersey gateway, and thus takes a "circuitous" path north via Selkirk. While this routing is taken by some MSW movements to Virginia, the vast majority of CSX freight to/from New York City is west-west in orientation, crosses New York State between Buffalo and Selkirk, and would travel the same distance south to New York City whether on the west side or east side of the Hudson River.

*Consequently, the Cross Harbor alternatives would likely serve only as a supplement to CSX's primary route into New York City, including the east-of-Hudson region.
(Armbrust)*

Appendix A of the Cross Harbor DEIS shows that the planners were going after business on Long Island. The Cross Harbor tunnel modeling assumption was that because their route was shorter in miles, the tunnel route would prevail over CSX's facilities -- government competing with the private sector, trying to divert business from a private company. Did the planners think that CSX was going to divert traffic to the tunnel so they could pay a user fee? CSX has an intermodal terminal in NJ. Did the planners think CSX would cut that business for this tunnel? FEIS testimony indicates that CSX won't route traffic through the tunnel:

Comment 5-88: The vast majority of traffic moving to and from New York City travels primarily over the former New York Central "Water Level Route." This route has minimal grades and nearly all of it has two main tracks, which permit the corridor to support consistent, prompt intermodal, automotive, and merchandise service. This lane is a primary route for import traffic coming from the Far East through western ports moving eastward across the country, through Chicago to CSX's Selkirk classification yard, and then moving beyond into the population centers in the Northeast. (Armbrust)

Comment 6-5-8: In addition to serving as a supplement to CSX's primary Water Level Route, the Cross Harbor alternatives could serve as a temporary alternative route in the event of a sustained emergency condition to CSX's primary route. (Armbrust)

After CSX called out government for incompetence and planning to compete with them, the FEIS responses were careful to agree that the \$10B tunnel was not a replacement for the Water Level Line, as the DEIS had envisioned it for some traffic. Here is an example:

Response 5-88: The Preferred Alternatives would provide for an alternative 'southern' route to the current CSX routing through Selkirk. They are not intended to replace the current alignment.

So, would NS use this tunnel? If you could build a train they would. However, where is the demand? There is excess capacity now via Hell Gate. As NYMTC's report states, most of the tonnage shipped by rail is low value waste and stone. Who will operate the tunnel? How much will it cost vs. the Cross Harbor float? Ten years ago, the Cross Harbor float charged \$500 for every carload they moved. NYA added \$190 for Bay Ridge traffic. Those costs have surely risen, but what will a tunnel move cost? Neither NYMTC nor PANYNJ has put together a fee and rate structure for tunnel traffic. Remember you need locomotives and crews JUST to move traffic through this tunnel. What will a crew start cost? And who is asking for this? Not CSX. Where are the identified tunnel customers and financial participants to pay for it, even after costly public planning has gone on for decades? RPA demolished the rationale for this tunnel in its 2015 testimony: <https://rpa.org/latest/testimony/testimony-on-cross-harbor-freight-study>

Red Hook Terminal: The Port Authority already developed the means for the big ships to go to Jersey, and they own the railroad property that can take containers west.

H158/P&W: "The Providence and Worcester Railroad, which maintains trackage rights with CSX to operate over the Hell Gate Line via Metro-North's New Haven route. The only regular move by Providence and Worcester Railroad on this route is the handling of crushed rock in unit train service to Fresh Pond Junction on Long Island, which is the only commodity permitted under the railroad's limited trackage rights." P&W's limitation is not commodity, but number of cars per train. They must have 40 cars/train and stone is the only commodity that is possible now.

H153: 26,000 trucks/day in Queens & 29,500/day in Nassau. Andy Kaufman's golf course sand operation is taking 100 trucks, period, off the road. NYA makes a claim for 120,000 trucks per year, or 4 days of truck traffic on the LIE, give or take. Meanwhile half the semis leave the region empty.

H213 shows Freight NYC "initiatives" which are fantasies. We saw this a few years ago, and those proposed transload sites have little value. They are difficult to reach because the Bay Ridge has poor access for road vehicles. Where is the demand for this? The Maspeth site has better access and is used to a much greater extent than any other such site in Brooklyn or Queens, but what industries are seeking rail access? We keep asking this question. Who wants rail service right now? Sites with freight rail access in NYC and greater Long Island have gone begging for years. Government agencies want companies to use rail, but the vast majority of what's actually being hauled is waste and stone. NYMTC has demonstrated responsibility in stating this and the reasons for it in this update.

H102: Truck waste tonnage is expected to grow from 18.4 to 24.2. Rail from 2.4 to 3.0. Does this finally recognize the limited capacity of rail? We commend NYMTC for recognizing that "Within the NYMTC planning area, only a handful of carload service freight yards and terminals remain, with most previous facilities either converted to non-rail or non-freight rail uses," something no PANY-NJ Planner since Laura Shabe has taken into account. This is from CURES 2015 public comment on the FEIS:

Testimony indicates that the tunnel will create impassable bottlenecks at key locations: The FEIS defends a DEIS that churned out fatally flawed tunnel alternatives at public expense without understanding that that amount of traffic would create impassable bottlenecks at key locations. Jim Newell's testimony in this regard was confirming.

Tunnel proponents assert the myth that there is a rail system east of Hudson that is not being used, as this comment to WNYC on October 12, 2015, by Congressman Nadler: "We have a rail system that was developed a century ago which is basically unused by freight," he said. "We should use it." <http://www.wnyc.org/story/new-yorks-roads-trucked-up/>.

The traffic at Fresh Pond today is straining the capacity NY&A has, especially because much of it goes past Jamaica. This has to go out and come back in defined LIRR operating windows using ASC equipped locomotives, of which NY&A only has eight (now 10). Crews have to be trained to work these routes. The long-term growth projections indicate severe problems ahead. Even if most of that was diverted to rail, the problems would still be here because the rail system on Long Island is already congested. Today, NY&A moves almost 30,000 carloads, about three times the traffic LIRR moved in 1996. However, they have a derailment on the main line and for two days LIRR has to reduce service, just like what you see on the LIE when there's an accident or breakdown.

Cross Harbor planners should have asked how many freight trains a day east of Jamaica are possible under LIRR's operating windows now and after East Side Access opens. CURES is informed that LIRR is projecting as many as 1,500 trains a day. Although a certain increase will be on the Pt. Washington line and thus have no impact on the Main Line east of Jamaica, LIRR hopes to be able to run many more trains into the 2 track Main Line from Floral Park to Hicksville. That means more deadheading. Where they are going to put all those trains heading into Manhattan?

Instead of wasting more money on failed Cross Harbor planning, plan and implement improvements that make the rail system east of Hudson functional, clean, and safe.

NYMTC Response: The Regional Freight Element describes the Cross Harbor Freight Program as a more direct rail connection between New Jersey and East of Hudson to serve multiple railroads and acknowledges that the Program will undergo a Tier II Environmental Impact Statement (EIS) currently under development. Tier I of the EIS involved analyzing a range of alternatives at a high level, including the degree to which they advance the goals of the Program. At the conclusion of Tier I, a smaller number of alternatives – designated as Preferred Alternatives – were recommended for more detailed study and analysis in Tier II. This detailed study has not yet commenced.

A tunnel alternative is not part of *Moving Forward's* fiscally constrained element. Therefore, a tunnel alternative remains speculative and is awaiting the completion of the Tier II EIS for further consideration. No funding package for the tunnel alternative has been defined as of Summer 2021; however, as the negotiations of a federal infrastructure bill continues, anticipated additional funding for rail freight may apply to the project.

Comment 24: H23 - NYMTC has demonstrated responsibility in its measured descriptions of the limitations on freight rail in the region: track network and rail yard capacity, availability of warehouse/distribution facilities essential to consolidate and de-consolidate container loads, lack of rail carload customers and service users, and national railroad business practices. Yet Table H-6-4 posits unrealistic infrastructure investments, e.g., that would allow shipment of double stack rail cars. Quite recently there were infrastructure upgrades made to a bridge by Fresh Pond Yard to increase clearances, and the maximum sized car that could be accommodated was Plate F, 17', not double stack or auto rack cars that require greater clearances and vastly more yard space. Why does this wishful thinking keep coming up?!

NYMTC Response: Table H-6-4 is in the chapter titled *Multimodal Freight Performance and Needs*. The chapter introduction states:

This chapter of the Freight Element addresses performance and needs related to multimodal freight networks, facilities, and logistics. It serves as a companion to the detailed analysis of the NYMTC planning area primary truck network in Chapter 5, providing the larger multimodal and geographic context.

To identify multimodal freight performance and needs issues, NYMTC's Regional Freight Plan 2018–2045 drew on a series of platform documents, including but not limited to, the Port Authority's Goods Movement Action Plan (GMAP) and Cross Harbor Freight Program Tier I Environmental Impact Statement, New York City Economic Development Corporation's (NYCEDC) FreightNYC, the Metropolitan Rail Freight Council's (MRFC) Rail Freight Action Plan, and NYMTC studies of freight village opportunities and truck parking and other materials. The needs and issues identified in Regional Freight Plan 2018–2045 addressed both urban and non-urban areas of the NYMTC planning area; they are carried forward as part of the Moving Forward Freight Element.

To supplement the Regional Freight Plan 2018–2045 findings, this chapter draws on recent work to implement modal system plans and on newly available plans, studies, and inputs provided by NYMTC members and other relevant agencies, including:

- *The Port Master Plan 2050 (Port Authority)*
- *Delivering New York: Smart Truck Management Plan (NYC DOT)*
- *JFK Air Cargo Market Analysis and Strategic Plan (NYCEDC and Port Authority)*
- *Consultation with adjoining planning organizations and regions, including the North Jersey Transportation Planning Authority, various councils of government in southwestern and central Connecticut, and the Lehigh Valley Planning Commission and Northeastern Pennsylvania Alliance in eastern Pennsylvania.*
- *Member agency and public feedback.*

Table H-6-4 is part of this contextual review of plans, studies, and inputs provided by NYMTC members and other relevant agencies. The performance issues and recommended actions listed in the table are drawn from among those sources as part of a scan of freight planning in the NYMTC planning area and the larger multi-state metropolitan region.

Comment 25: H244, 6.1 - What about BRT? What customers are asking for this? If NYA needs a new yard, why not let them pay for it, the way real railroads do? How much money did NYA Owners Gilbertson and Lieberman make when Macquarie Group and WIN bought Tunnel Hill Partners?

NYMTC Response: Action item 6.1 reads “Develop Long Island Freight Intermodal Terminal at Pilgrim State Hospital site. This is a recommendation carried forward from NYMTC’s Regional Freight Plan 2018–2045.” This action, which is carried over from the previous Regional Freight Plan, is a speculative, conceptual, long-term “vision” project in the Regional Freight Element of *Moving Forward*. Although the concept was developed prior to the Brookhaven Rail Terminal (BRT), the creation of BRT addressed shorter-term needs and the Long Island Freight Intermodal Terminal is included in the Plan as an opportunity to address long-term needs that may emerge. As a speculative project, no financing or implementation detail is offered for this action item.

Comment 26: H250, 7.3.2 - The public that is dealing with rail and waste-by-rail is already educated about the issues at this point. Our families live and breathe the issues, and we have proactively advocated as volunteers for clean technologies and funding to implement them since 2009. When are the MTA-LIRR, NYA, THP/WIN, DEC, and the Governor going to respond and finally make the freight rail system Sustainable?! It’s particularly disquieting to read that what’s needed is education for the public in light of the fact that \$27M has been appropriated already to repower the NYA’s locomotives to Tier 4 Switchers, and private fortunes have been made in waste-by-rail using uncovered rail cars and 3-sided buildings with a roof. What is needed is for the Governor and the state agencies he controls to demonstrate responsibility and protect the public they are supposed to serve by:

- Repowering freight rail locomotives operating in the NYMTC region to Tier 4 Switcher emissions.
- Promulgating regulations to:
 - Contain all waste blowoff, leachate, and odors in rail cars and containers.

- Make all transfer stations upgrade to enclosed facilities with modern air and stormwater pollution controls.
- Follow New Jersey’s lead in permitting new transfer stations and other polluting industries in Environmental Justice Communities: <https://www.nj.gov/dep/ej/docs/ej-law.pdf>

NYMTC Response: Section 7.3.2 states:

The public also has a stake in freight transportation needs and investments. The public consumes products, such as construction materials used to build homes, apparel and clothing, food, and household goods, and generates waste. Many individuals are employed in industry sectors that produce freight shipments. Negative effects associated with freight transportation, such as pollutant emissions, noise, highway and rail safety, and traffic congestion, affect communities throughout the NYMTC planning area. Dissemination of public education materials, such as the Basics of Freight Transportation in the NYMTC Region brochure, can help foster increased public education on how freight operates in the NYMTC planning area, its needs and issues, and its community benefits and impacts.

The section acknowledges the negative impacts that can accrue to communities. However, it is written for a Regional Freight Element in the context of a regional planning process. Regarded regionally, public education on freight operations, needs and issues remains a pressing need, even while impacted communities may have gathered considerable information in these areas.

Commenter RFE-2: Todd Fontanella, Western Connecticut Council of Governments

Comment: “Between 2018 and 2045, the NYMTC planning area is projected to gain more than 46 million tons of international freight worth \$855 billion. These projected growth figures may seem overly optimistic considering current conditions, but even if the full forecast is not realized by 2045, the clear indication is that the region should plan to accommodate robust and significant growth in international trade (See Table H-1-8).” We note the importance of this planning and its importance to the MAP Forum region.

NYMTC Response: The comment is noted. *Moving Forward’s* Vision Goal to Plan for Changing Demand includes an objective to modernize local freight networks to efficiently plan for growth in volume of and change in product deliveries. In the Regional Freight Element, 29 of the 38 recommended actions to improve goods movement in the NYMTC planning area are related to the Changing Demand Vision Goal.

CORRESPONDENCE



July 28, 2021

Jan Khan
Manager, Regional Planning Unit
NYMTC
25 Beaver Street, Suite 201
New York, NY 10004

Re: Sanjeev Ramchandra - Replacing Congestion Pricing with a Sales Tax Increase

Dear Mr. Khan,

MTA Bridges and Tunnels (MTA B&T) is in receipt of Mr. Ramchandra's correspondence to NYMTC and thank him for his comments and suggestions regarding Congestion Pricing.

In 2019, Governor Andrew Cuomo proposed the MTA Reform and Traffic Mobility Act, which the Legislature passed that April and the Governor signed into law establishing the Central Business District Tolling Program. We are at the start of the federally-required Environmental Assessment process which requires robust public outreach. During this process, comments from the public like Mr. Ramchandra's will be received and considered. There will be ample opportunities for the public to continue to weigh in as we move forward.

Thank you for your input.

Sincerely,

A handwritten signature in blue ink that reads 'Anne Marie Bressler'.

Anne Marie Bressler
Acting Vice President, ITS and Tolling

cc: Daniel F. DeCrescenzo, Jr., President MTA Bridges and Tunnels

Replacing Congestion Pricing with a Sales Tax Increase

Prepared by Sanjeev Ramchandra, M.Ed.

Problems with Congestion Pricing

Congestion pricing penalizes middle-income commuters who must live outside of Manhattan. Mass transit does not have the capacity and reliability to absorb an influx of commuters who switch from driving. Commuters unable to carpool or use mass transit don't have affordable alternatives to congestion pricing which may cause economic hardship when paying the fees.

Congestion pricing disproportionately targets commuters as the primary source of new transit funding. Transit funding is a shared responsibility among all users including residents, tourists, commuters, customers, students, and retirees. Although the wealthy can easily afford to pay the congestion fees, many of them will avoid paying because they already live in Manhattan.

Congestion pricing has many challenges with its implementation including expensive upfront equipment costs and calibration. Neighborhoods near the congestion zone will notice fewer open parking spaces and more cut-through traffic from commuters avoiding the fees. Special interest groups will lobby the elected officials to receive waivers and discounts from the fees.

Congestion pricing does not eliminate congestion because vehicles taken off the streets are replaced by other vehicles whose drivers tolerate the current congestion level and new fees. Ridesharing vehicles are added onto roads as congestion pricing reduces commuter vehicles. The publicity of the mayor's millionaire tax proposal indicates that increasing funding to the MTA is the real priority, not reducing the number of vehicles in the Central Business District.

Congestion pricing will adversely affect traffic across major transportation corridors that are under construction. Three major projects include: (1) L train shutdown and subsequent East River subway shutdowns (2) LIRR East Side Access Project (3) BQE reconstruction in Brooklyn. At least five years is necessary for these projects to finish thereby delaying congestion pricing.

Sales Tax Increase

The total sales tax rate in New York City is currently 8.875% with 4% dedicated to New York State, 4.5% to New York City, and 0.375% to the Metropolitan Transportation Authority (MTA). I propose adding 0.625% to the MTA's existing sales tax rate in New York City to equal 1%. As a result, the new combined sales tax rate within New York City becomes 9.5% (4% + 4.5% + 1%).

The new 0.625% sales tax is a reliable and sustainable funding source that quickly generates \$1 billion per year into a dedicated "lockbox" for the subways and buses. This amount grows over time due to the rising populations among residents, commuters, and tourists in NYC along with e-commerce purchases made by NYC residents which are now subject to sales tax collections.

The seven suburban counties can also raise their MTA sales tax rate to generate revenue for their commuter trains. Doubling Nassau and Suffolk counties' 0.375% MTA tax for a combined sales tax rate of 9% yields \$120 million per year that is dedicated to the Long Island Railroad. Paying a few dollars per month for a new sales tax is affordable unlike \$100 in congestion fees.

A 1% MTA sales tax rate for New York City is comparable to the transportation/transit sales tax rate found in these major cities: Dallas (1%), Denver (1%), Los Angeles (1%), Chicago (1.25%), Seattle (1.4%), and Atlanta (1.5%). A combined 9.5% sales tax rate for New York City is still competitive with these major cities: Los Angeles (9.5%), Seattle (10.1%), and Chicago (10.25%).

The "Fair Fares" program to subsidize the transit expenses for low-income NYC residents would come directly out of New York City's budget, not from the MTA's sales tax collections. NYC can finance this program in part by eliminating its sales tax exemptions on clothing and footwear which also raises revenue for the MTA by putting these purchases under the MTA's sales tax.

Action Plan

- Enforce traffic laws to address "blocking the box", blocked bus lanes, and illegal parking.
- Install more protected bicycle-only paths and bus-only lanes on city streets and bridges.
- Replace parallel parking on certain Manhattan streets with bus-only and bike-only lanes.
- Add 0.625% to the MTA's sales tax rate in NYC to equal 1% for a combined total of 9.5%.

Sanjeev Ramchandra is a community college math instructor who was born in New York City.

Form Name Comment

Total Records in Report: 24
 Date Reported (UTC): 1/12/2021
 Resounded By: Eric Smith
 From Date (UTC):
 To Date (UTC):
 Search Term: *ny mta* | *ny mta* | *ny mta*

Response	First Name, Last Name	Affiliation	Zip Code	Join Mailing List	Appendix or CMP?	Is your comment on a Specific Plan Chapter, Appendix or CMP?	Is Your Comment on a Specific Issue Area?	File Upload	Email	Event & Comment	Other Issue Area	Source
2	Sanjeev Ramchandra	n/a	n/a	n/a	n/a	n/a	n/a	Email Attachment	sanjeev.ramchandra@yahoo.com	<p>Greetings, NYMTC Staff,</p> <p>I have created an alternative plan to congestion pricing that provides reliable and sustainable revenue to the MTA.</p> <p>Please see the attachment for my brief, 2 page document which describes my plan to raise the sales tax rate in NYC.</p> <p>Thanks for your time and attention and feel free to share this information with anyone who may find interest in this.</p>		Email

Comments on Plan 2050

Lopez, John (DOT) <John.Lopez@dot.ny.gov>

Thu 7/29/2021 11:57 AM

To: Khan, Jan (DOT) <Jan.Khan@dot.ny.gov>; Bogacz, Gerry (DOT) <Gerry.Bogacz@dot.ny.gov>

NAME OF AGENCY/ORGANIZATION

Village of Croton on Hudson Bicycle and Pedestrian Committee

NAME

Marc Albrecht

EMAIL

marcsalbrecht@gmail.com

SUBJECT

Comments on Plan 2050

FILE UPLOAD

TEXT AREA

To whom it may concern: These comments are respectfully submitted by the Bicycle-Pedestrian Committee of the Village of Croton on Hudson. The recently adopted updated Bicycle-Pedestrian Master Plan for the Village states that, "The BPC's mission is to advise and recommend strategies and actions to the Board of Trustees for the maintenance and improvement of access to the Village's streets for bicyclists, pedestrians and other non-vehicular uses." That document is available on the Village's website: https://www.crotononhudson-ny.gov/sites/g/files/vyhlf441/f/uploads/croton_bike-ped_master_plan_submitted_dec_23_2020_1.pdf The Committee appreciates NYMTC's efforts to incorporate active transportation in its long range plan, especially by including Appendix B as part of the plan, and we offer comments on that appendix. Our greatest interest would be in having NYMTC's support for two projects we have long discussed as a committee. The first is the completion of the Westchester RiverWalk, a planned 51.5 mile long bike-pedestrian path along the Hudson. While a portion runs through Croton, and is very well-used by our community, it stops at the northern end of Croton Landing Park. That segment is one of several along the planned route, totalling nearly 19 miles, which have not been completed. The second project would be to provide greater connectivity and safety for bicyclists between the Croton-Harmon Metro-North Railroad Station and the North County Trailway access point on Route 118 in Yorktown (between Birdsall Drive and Hanover Street). A good number of cyclists take Metro-North from New York City and other parts of the region and disembark at Croton, making their way along village streets, Routes 129 and Route 118 to the trail. Yet the roads there are busy and narrow; the shoulders poorly maintained, covered in asphalt bits, and liable to cause cyclists to slip. We would recommend road improvements, wayfinding, digital maps (triggered by signs with QR code at the train station), and

a study of alternative routes and/or bike lanes to ensure the safety of bicyclists and motorists and accommodate the growing interest in non-motorized modes of transportation. The Committee would also appreciate your including, in the list of accomplishments at the beginning of Appendix B, the recently completed Croton Point Avenue Traffic, Bicycle, and Pedestrian Improvement Project. The project appeared on the STIP as PIN 8780.41. The project made traffic, bicycle and pedestrian improvements to a busy route to the Croton-Harmon train station, Croton Point Park, and ramps connecting to the Briarcliff-Peekskill Expressway (Route 9/9A). The scope included the installation of new traffic control lights, ramp widening with dedicated turn lanes, new ADA compliant sidewalks, and striped bicycle lanes. The Putnam County bikeway master plan is described on page B-4. The Committee would like to know if Westchester County has adopted a similar plan. Please add that to the appendix if there is a plan for Westchester. This portion of the appendix continues with a reference to the Empire State Trail (EST). The EST was conceived to provide a route for bicycling and other non-motorized transportation across the state, including segments to the ends of the NYMTC region. The appendix should include additional information about how local routes in the region connect to the EST, the closing of protected or off-road gaps in the NYMTC area in the plan period, and which funding sources are anticipated for that work. There are two graphs on page B-5 that are titled Bicycle Crashes and Pedestrian Crashes. The titles neglect to mention that motorized vehicles may have been the cause of the "crashes" and suggests that bikes either crashed with each other or with roadway obstacles. A footnote cites the NYSDOT intelligent transportation systems database as the source for the graphs' data. The graphs should be changed to indicate that vehicles were involved in these crashes (eg., "MV-Bicycle Crashes" and "MV-Pedestrian Crashes") and additional details about cause or fault should also be discussed. If the NYSDOT data does include this information, then NYMTC should ask NYSDOT to enhance its data collection. Funding is the subject of section 1.3.2 of the appendix on page, B-6. The text mentions FHWA and NYSDOT funding for pedestrian and bicycle projects. The appendix should also refer to FTA funds that can be used for bicycles. See the FTA page: <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/livable-sustainable-communities/fta-program-bicycle>. The growth in bicycle trips in New York City is mentioned under "Demographic Trends" on page B-9. The plan should include information about how ferries can provide connections between the boroughs for bicycle riders. Other ferries should also be encouraged to allow bicycle riders on board. In addition, the plan should address making transit and railroad trips with bicycles. Only some transit in the region is welcoming to bicycles, and NYMTC should be working to make transit more accommodating of bicycles. That could include the addition of secure bicycle storage at transit stations. Bicycle and pedestrian routes should, as NYMTC's plan acknowledges, should be coordinated across municipal boundaries. The list on page B-12 of New York City projects that were underway should indicate which projects also connect across the city line to other jurisdictions. NYMTC should work with its members to assure that planning and design for bicycle routes anticipates connectivity that allows for trips that can cross those boundary lines. The second paragraph under Section 2.4.1 on page B-18 has an error in the fourth sentence. The word "all" should be deleted so the sentence will read, "The number of workers working from home has increased since the 2010 ACS estimates." The photograph of Patchogue Mayor Paul Pontieri on page B-19 should be replaced with a rider who is wearing a bicycle helmet. According to the Cleveland Clinic, "All bike riders should wear bicycle helmets. Each year in the United States, about 800 bicyclists are killed and another 500,000 end up in hospital emergency rooms. About 2/3 of the deaths and 1/3 of the injuries involve the head and face. Wearing a helmet can reduce the risk of head injury to bicyclists by as much as 85 percent." (<https://my.clevelandclinic.org/health/articles/4374-bicycle-helmet-safety>) The plan document should be setting an example for all bicycle riders. Also on page B-19,

under the subheading Bethpage Ride, the last sentence in the first paragraph refers to one hundred bicycles. The word should be plural. Section 2.5 is about NYSDOT Region 10 projects. In the first subsection, 2.5.1, the appendix mentions an existing route in Nassau County. This is an example of a route that could be linked across the Nassau County- New York City line. Is either jurisdiction working to make this route link with Far Rockaway? Further in the Region 10 section is subsection 2.5.2, Planned Facilities. There is a project planned an on-road facility on Route 112 to connect to the existing Bicycle Route 25 and the Port Jefferson-Bridgeport Ferry. Since this ferry service allows you to ride your bicycle aboard one of their three ferries, the text should highlight that feature. The chapter on micromobility includes section 3.4 on page B-36, there is an explanation of active beacon crosswalk lights. The use of this technology would be a great addition to safety for those needing to cross against vehicular traffic. NYMTC should encourage its members to incorporate these beacons at those crossings for pedestrians and bicyclists that do not already have a traffic signal. Chapter 4 makes recommendations for strategies and action items. This clearly documents priorities that the Croton BPC shares with NYMTC, and some were included in the Village's bicycle-pedestrian master plan. NYMTC can strengthen this chapter by linking the action items with project examples for completed and/or planned projects. An inventory of facilities is presented in Chapter 5, and it includes NYSDOT Region 8's inventory for the Lower Hudson Valley. The list includes locations outside of the NYMTC members' area. That is helpful for trip planning to the greater Hudson Valley. NYSDOT should be requested to highlight its facilities in Rockland, Putnam and Westchester. The inventory omits the Appalachian Trail that crosses those same three member counties. Thank you for the opportunity to comment on the draft Plan 2050. Signed, Croton-on-Hudson Bicycle-Pedestrian Committee



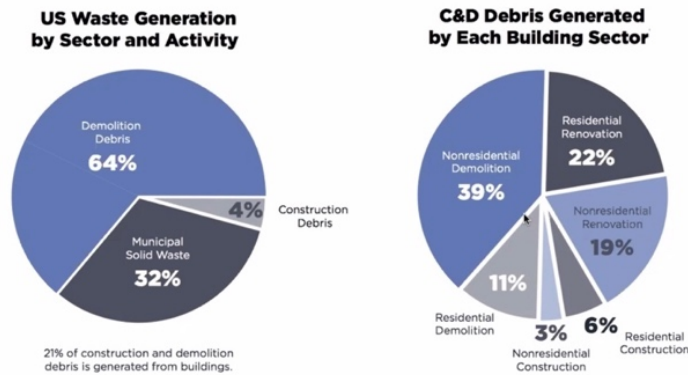
69-07 69th St., Glendale, NY 11385
civicsunited@gmail.com

Thank you for this opportunity to comment on the RTP update. Please add these comments to the public record as CURES' testimony. Mary Parisen-Lavelle, Chair CURES - 718-772-6563.

Waste Supply Chain and Action Item 2.2: NYMTC's update very commendably addresses the need for regional waste transport planning. Recently, seeing this void in solid waste management planning, Assembly Environmental Conservation Chair, Hon. Steve Englebright, put a \$250,000 appropriation in the recently passed state budget to address DEC's lack of regional waste planning, and the resulting environmental and health impacts. This planning is supposed to include impacts on Environmental Justice Communities and impacts from the Brookhaven Landfill.

- In Action Item 2.2, "MSW" must be understood at the state and local level to include C&D. NYMTC receives federal funds, and as federally defined, "MSW" includes C&D, according to Congresswoman Grace Meng's office. However, MSW, as defined by NYS, is putrescible waste. C&D is a separate category of waste. MSW is already hauled in sealed, leakproof rail containers per a New York & Atlantic Railway tariff. For clarity and for NYMTC's study to do the job the region needs for its #1 outbound commodity, action Item 2.2. must read: "Perform a regional study of needs and opportunities associated with the movement of MSW and C&D."
- Open, muffintop loads of C&D in rail gondolas have caused derailments on MNR and LIRR (recently April 2021). C&D is shipped in open gondolas that emit waste blowoff, leachate and odors, polluting community air and water. Both MSW and C&D are hauled by high-polluting 1970's locomotives in densely populated neighborhoods of the NYMTC region, where they do the most harm to the most people. NYMTC's study must comprehensively address these impacts.

- C&D must be included in any study of waste transport because it greatly impacts both truck and rail traffic. Nationwide C&D is 68% of the tonnage that is being shipped to landfills by truck and rail (see the slide below from Durst Organization affiliate Building Product Ecosystems, <https://www.buildingproductecosystems.org>)



Data Source: EPA

- There need to be more granular descriptions in NYMTC's Waste Supply Chain that describe the various different types of waste that are being transported, all of which have transportation impacts for this #1 outbound commodity. The current description is inaccurate. For example, when C&D is transported by rail from Suffolk County, the crushed C&D is not hauled in sealed containers, as NYMTC's Waste Supply Chain description implies. Instead it is hauled in Plate F gondolas covered only by pervious orange netting (a CSX tariff). With C&D, after the materials that must be recycled from the C&D are removed, a massive amount of "C&D Residue" is exported from the region to landfills by truck, or by rail in open, unsealed gondolas. Again, C&D must be included explicitly in Action Item 2.2 and the Supply Chain description.
- An omission in the Waste Supply Chain study and in **Table H-6-4 (Need for Cleaner Operations)** is that in NYMTC's last Regional Transportation Plan, Goal 124 (below) stated that these waste gondolas should be covered. That Goal should be stated in this section of the update. Because of loopholes in state and federal law, this waste is hauled in open gondolas at the discretion of waste haulers and railroads. The open cars emit particulate pollution -- the dust from crushed construction waste. Because of how the gondolas are shaped at the bottom, because they are too heavy to pick up, turn upside down, and empty, and because they don't have solid covers, waste and leachate both collect in the bottom of the cars and run out the drains in the bottom. When putrescible commercial waste is illegally mixed in with the C&D, the trains leave stinking leachate on the tracks after they pass by homes. Go to this link to see filthy empties in

neighborhoods of NYC where they are hauled, classified, and stored:

<https://www.facebook.com/304819876821/videos/10154498169791822>

Table 4.4 Policies and Programs

No.	Item	Location	Primary Desired Outcome	Potential Private Benefits			Source
				Cost	Speed	Reliability	
GOAL: REGIONAL ENVIRONMENT							
90	* Railcar Clearance Improvement Program for double stack & auto carrier. Strategy and study to identify and prioritize clearance improvement projects on Bay Ridge Line.	New York City	Reduce pollutants	✓	✓	✓	MNFC Action Plan (DRAFT); Goods Movement Action Program
110	* Refrigerated warehousing. Develop vertical refrigerated warehousing at Hunts Point, Freight Village locations, or elsewhere as appropriate.	NYMTC planning area	Reduce GHG emissions	✓	✓	✓	Freight Transportation Working Group
187	* Clean Freight Corridors Program. Implement fleet replacements/upgrades, fueling, electric charging, and other services to support clean corridor goals.	NYMTC planning area	Reduce GHG emissions	✓			Freight Transportation Working Group
123	* Pursue funding to replace diesel locomotives with Tier 4 or cleaner locomotives	NYMTC planning area	Mitigated externalities	✓			Plan 2045 Outreach; PFAC Freight Subcommittee
GOAL: REGIONAL ECONOMY							
94	* NYC Waterways Dredging Program: Newtown Creek, Jamaica Bay, Flushing Bay. Maintain authorized depth in "secondary" navigable channels, including, but not limited to Newtown Creek, Jamaica Bay, Flushing Bay	New York City	Global and national gateway	✓		✓	PFAC Freight Subcommittee
106	* Brookhaven Freight Village	Suburban Long Island	Goods movement supports growth	✓	✓	✓	Regional Freight Plan analysis
107	* Sunset Park Multimodal Freight and Logistics Hub	New York City	Goods movement supports growth	✓	✓	✓	Regional Freight Plan analysis
108	* Canal Village Freight Village	Lower Hudson Valley	Goods movement supports growth	✓	✓	✓	Regional Freight Plan analysis
134	+ NYS Thruway Exit 10 economic development and light industrial park.	Lower Hudson Valley	Goods movement supports growth				Regional Transportation Plan 2045
GOAL: QUALITY OF LIFE							
124	* Replace gondola cars with sealed containers for waste hauling by rail	NYMTC planning area	Mitigated externalities				Plan 2045 Outreach
GOAL: TRANSPORTATION ACCESS							
180	* Regional truck navigation. Improve regional truck navigation by providing quality underlying data regarding truck route restrictions.	NYMTC planning area	Increased reliability		✓	✓	Goods Movement Action Program (G-MAP)
177	* Streamline permitting for oversize/overweight (OS/DW) vehicles across jurisdictional boundaries	NYMTC planning area	Increased reliability	✓			Goods Movement Action Program (G-MAP)
178	* Harmonize size and weight regulations across multiple jurisdictions in and beyond the planning area	NYMTC planning area	Increased reliability	✓			Goods Movement Action Program (G-MAP)
181	+ Gather GPS based truck traffic data citywide for planning purposes	New York City	Increased reliability		✓	✓	PFAC Freight Subcommittee; Plan 2045 Outreach
114	* Promote multiple mode access for freight development sites.	NYMTC planning area	Increased reliability	✓	✓	✓	Freight Transportation Working Group
109	* Regional Off-Peak Delivery Program. Expand participation in off-peak delivery programs throughout the region.	NYMTC planning area	Increased reliability	✓	✓	✓	Plan 2040 Freight Summary Report; Goods Movement Action Program

49

Following are a few photos of problems caused by open rail cars of C&D and primitive open air C&D processing (in a building with 3 walls and a roof) at WIN/Tunnel Hills Partners Suffolk Co. facilities. The MTA and LIRR are silent partners in this filthy business, which could not exist without the use of their assets, including Farmingdale Yard and LIRR's freight rail concessionaire, the New York & Atlantic Railway. Note the photo of WIN/THP's Coastal Facility's annual report to DEC that shows MTA is the owner. Note recent photos of WIN/THP C&D operations and gondolas derailed on the main line, at Jamaica (in April 2021), and in Ohio. Note the photos of what this has been like for residents all along the rail line -- whose health, quality of life, and use and enjoyment of their property have been adversely impacted because this new industry has made private fortunes without investment in modern technologies, creating a serious and unjust imbalance of private profits and public costs. The MTA, LIRR, and DEC have turned a blind eye to this mess. Gratitude to NYMTC for proposing a study.



PERMITTED C&D DEBRIS HANDLING AND RECOVERY FACILITY ANNUAL REPORT
(If you need assistance filling out this form please email swmannualreport@dec.ny.gov or call 518-402-9678.)

Complete and submit this form by March 1, 2021.
 This annual report is for the year of operation from January 01, 2020 to December 31, 2020

SECTION 1 – GENERAL INFORMATION

FACILITY INFORMATION				
FACILITY NAME: NYAR Coastal Distribution Rail Transfer				
FACILITY LOCATION ADDRESS: 1633 New Highway		FACILITY CITY: Farmingdale	STATE: NY	ZIP CODE: 11735
FACILITY TOWN: Babylon		FACILITY COUNTY: Suffolk	FACILITY PHONE NUMBER: (631)756-2000	
FACILITY NYS PLANNING UNIT: <small>(A list of NYS Planning Units can be found at the end of this report).</small>				NYSDEC REGION #: One
360 PERMIT #: <small>(Refer to DEC Permit)</small> 1-472-06337/00001	DATE ISSUED: 6/19/15	DATE EXPIRES: 6/18/20	NYS DEC ACTIVITY CODE OR REGISTRATION NUMBER: <small>(Refer to DEC Registration)</small>	
FACILITY CONTACT: Don Kerik	<input type="checkbox"/> public <input checked="" type="checkbox"/> private	CONTACT PHONE NUMBER: 201-741-5958	CONTACT FAX NUMBER:	
CONTACT EMAIL ADDRESS: dkerik@thplp.com				
OWNER INFORMATION				
OWNER NAME: Metropolitan Transit Authority	OWNER PHONE NUMBER: 212-877-2000	OWNER FAX NUMBER:		
OWNER ADDRESS: 37 Madison Ave	OWNER CITY: New York	STATE: NY	ZIP CODE: 10017	
OWNER CONTACT: OWNER CONTACT EMAIL ADDRESS:				
OPERATOR INFORMATION				
OPERATOR NAME: <input type="checkbox"/> same as owner		Coastal Distribution, LLC		<input type="checkbox"/> public <input checked="" type="checkbox"/> private





OUR SHARED RAIL SYSTEM
LIRR & NEW YORK & ATLANTIC RAILWAY



PIX
5:16 8:11
WEATHER NEW YORK: MAINLY CLEAR TODAY'S HIGH:82°, TODAY'S LOW:66°

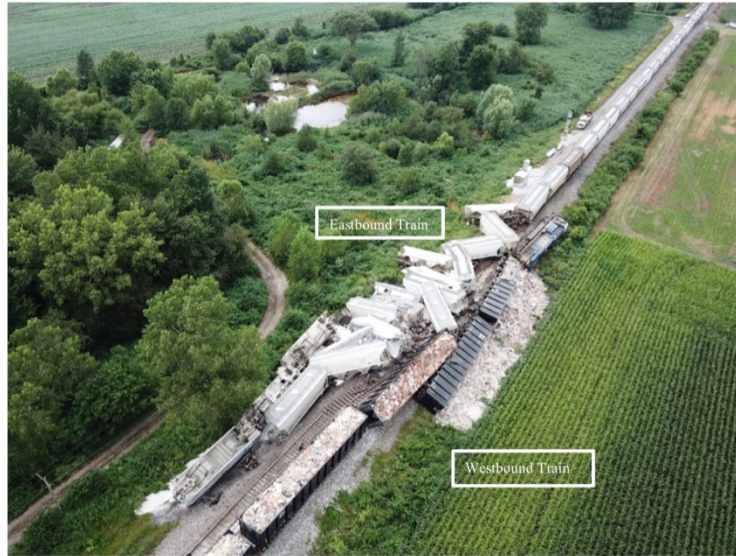


Figure 1. Aerial view of collision location. (Photograph courtesy of CSX.)



Kim J Haynes Mccray ► Sunny Farm Landfill complaint group
May 17 at 9:21 AM · 🌐

Waiting on train on Rt 224. This is all the trash waiting to get into dump, look how far it goes, TAKE IT BACK NEW YORK WE DONT WANT IT!!!!

Are these companies too poor to contain this waste in modern transfer stations with pollution controls and in covered rail cars or sealed containers? No. Private fortunes have been made since this filthy, publicly subsidized industry started up in Farmingdale Yard in 2008. This is an excerpt from a *Waste Dive* article that describes Australian multinational independent investment bank Macquarie Group's purchase of Tunnel Hill Partners, which was then acquired by Wheelabrator's WIN Waste Innovations.

Founded in 2008 by principals at American Infrastructure MLP Funds, Tunnel Hill has a major behind-the-scenes presence in the Northeast. The company has grown through multiple acquisitions, including the 2014 purchase of WCA Waste's Northeast assets. For the 12-month period ending in June 30, 2018, revenues were reportedly \$280 million.

With a footprint spanning from Ohio to Massachusetts, Moody's described Tunnel Hill as benefiting from "a unique, difficult to replicate network of collection and transfer assets in a region that is experiencing sharply declining disposal/landfill capacity." The Connecticut-based company now owns two Subtitle D landfills, 14 transfer stations (including many with rail capability), two recycling facilities, one beneficial use burial site and the collection company City Carting.

"...[T]he margins are quite attractive because it's primarily a disposal asset," said Hamzah Mazari, managing director at Macquarie Capital, who had no role in this deal. "We think also the fact they're in the Northeast location-wise is strategic, because as you know there's landfill capacity that's going to shut down in that region over the course of the next few years by 2021. And so what it will do is make these assets in the marketplace even more valuable."

- Others reasons why both MSW (including Domestic and Commercial Waste) and C&D must be explicitly understood to be included in Action Item 2.2:
 - This is not just a "quality of life" issue. It is an environmental and public health issue. See Riverkeeper's testimony to DEC below:

V. Containment Standards for Waste-by-Rail Operations


The proposed Part 360 regulations exempt transport of waste by rail from operating requirements in Part 364-4.8(g) which mandate that "[a]ll wastes must be properly covered or contained during transport so as to prevent leaking, blowing, or any other type of discharge into the environment." See proposed 6 NYCRR § 364-2(a). The loophole allows for precipitation to enter uncovered railcar containers. The precipitation may then leach through the waste and enter the environment without treatment along the route of train corridor, potentially exposing vast areas and waterways to contamination. During dry conditions, dust can blow off the uncovered containers, contaminating air, soil and water in areas surrounding the train routes.

- The waste-by-rail industry -- putrescible and C&D -- is growing in the NYMTC region, impacting more communities with pollution, including Environmental Justice Communities like Brentwood, where a new facility that will handle C&D and putrescible was just permitted. Unlike NJ, which has a law that requires a study of cumulative impacts before another polluting facility can be sited in an Environmental Justice Community, NYS requires only “enhanced participation” before DEC approves the permit on a siloed, site-by-site, industry-driven basis. Here is DEC’s description of a public comment on the Omni Brentwood permit:

Environmental Justice

Comment 1: Constituents bear the burden of a legacy of environmental racism by approval of harmful projects in the community. Community is already overburdened by superfund sites, brownfield sites, three power plants, industrial and commercial facilities. Siting a solid waste facility in a low-income, predominately minority neighborhood goes against the principles of environmental justice and directly injures the residents of the Brentwood neighborhood. Study by the Health Department found Brentwood Gardens suffered high rates of colorectal cancer and asthma, which can be attributed to ongoing exposure to toxic substances. Deny the permit.


- Here is a recent letter from the NAACP on a proposed waste-by-rail facility in Brookhaven, which demonstrates adverse impacts and lack of regional planning.



NAACP New York State Conference
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

June 07, 2021

OFFICERS

<p>Hazel N. Dukes President</p> <p>Geoffrey E. Eaton 1st Vice President</p> <p>Karen D. Blanding 2nd Vice President</p> <p>Claire Theobalds Secretary</p> <p>Shanelle Washington Assistant Secretary</p> <p>Lottie Tann Treasurer</p> <p>Hilda Rodgers Assistant Treasurer</p> <p>Laura D. Blackburne Legal Redress Chair</p>	<p>Dear Mr. Flower:</p> <p>Thank you for your letter seeking a meeting with the NAACP New York State Conference and our partners at the Brookhaven NAACP. It is good that you have agreed to be open and transparent going forward with your process with the NAACP about this issue. I have been reliably informed that local environmental justice advocates have sought meetings with you and urged you to be more transparent about your plans and the process for getting them approved but have been disappointed with the result.</p> <p>Obviously, transparency and openness require that you renounce publicly and in writing any plans to bypass local control over the 200-acre site by using the federal Surface Transportation Board (STB) and cease any further communication with that agency. Once that is clear, we can meet.</p> <p>Your reference to the projects in Brentwood and Medford is a bit puzzling. While we have concerns about them, those projects went through local approval – the same processes you seek to avoid using a secretive STB process.</p> <p>I am sure you can understand our concerns about bypassing local control. Should the STB approve your plans, it would open the door for projects like yours to be imposed by this obscure board on communities of color anywhere in the nation that are located along a rail line. That is contrary to environmental justice and it’s something we will oppose vigorously.</p> <p>Please provide a letter to us and to the STB within five business days that you no longer seek their approval as a gesture of good faith and we will gladly meet with you to learn why you think cutting out local communities of color from a local approval process made sense, why you sought legislation to violate conservation covenants and why you and Supervisor Romaine have misled the community about this secretive process for months.</p> <p>Once you violate a trust of the community, there is always a higher bar to earn back. It starts with sending the letter we are requesting. Once that is received, we will sit down with you and members of the local community to learn more about your dubious plans in an open and transparent manner.</p> <p>Sincerely,</p> <p> Hazel N. Dukes President, NAACP New York State Conference</p> <p>Cc: Tracey Edwards, LI Regional Director Georgette Grier-Key, Brookhaven Branch President</p>
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44 Wall Street, Suite 604 • New York, NY 10005 • Telephone: 212.344.7474 • Fax: 212.344.4447
Email: NAACP@NYSNAACP.org • Website: NYSNAACP.org

- See below a March 2021 map from *The State of Waste in Queens* report, which shows how the industry is growing, site by site, and how many people are impacted by pollution in the Yellow Zone on the map (people within 1 km. of freight rail facilities). Industry expansion puts more pressure on the limited capacity of Fresh Pond Yard and increases truck traffic. NYMTC’s regional MSW-C&D study and TIP projects to address findings are needed now.



A rough total population count would be 1,744,153 using ACS 2014-2018 data. This uses census tracts so it over selects.

Row Labels	Sum of acsEstimate!!RACE!!Total population
Bronx County	420091
Nassau County	264344
Queens County	765115
Suffolk County	294603
Grand Total	1744153

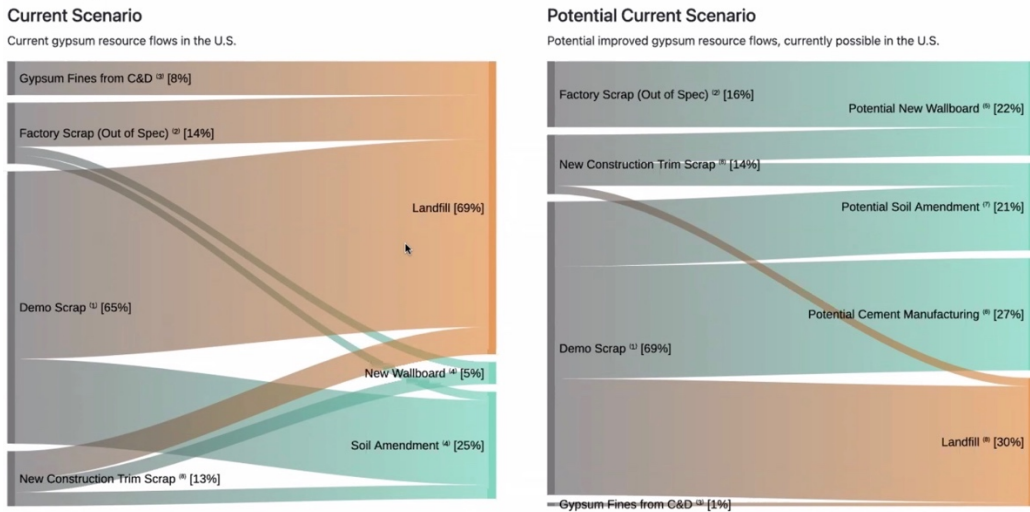
- **Figure H-5-17:** Is this air quality data that is being collected from roof tops? If so, NYC’s Community Air Surveys have proved that at street level, where people live, air quality is generally worse when there is local pollution source, like a freight rail facility. For information about locomotive pollution please see: <https://ww2.arb.ca.gov/our-work/programs/reducing-rail-emissions-california/concepts-reduce-emissions-locomotives-and>
- All waste and scrap are delivered to transfer stations by truck, even if rail is used for the outbound shipment, and some of this truck traffic is inter-county in the NYMTC region. For example, 40% of the C&D tonnage processed by WIN/Tunnel Hill Partners in Suffolk County was hauled there by truck from NYC before being dumped and crushed in a rail car, according to their 2018 - 2021 Annual Reports

to DEC. A recent environmental impact report on NYC Council Bill Intro 2349 found that use of freight rail resulted in a reduction of few trucks.

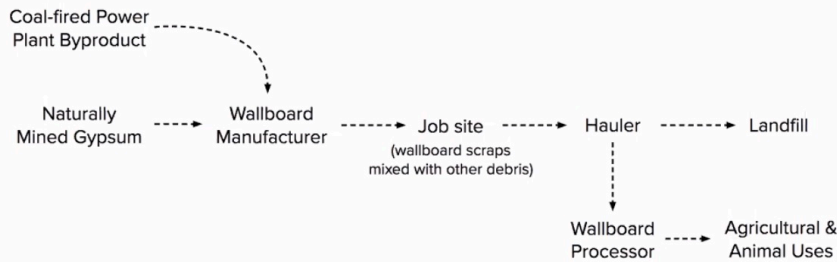
- New York City's new waste laws may impact regional waste flows. NYC's Commercial Waste Zone law specifically includes commercial waste and excludes C&D, so C&D trucks can go anywhere. NYC's Waste Equity Law allows operators who use direct rail to keep tonnage they would otherwise lose, and there is pending City Council legislation to make that rail exception easier to get. This could mean more shipment by rail, putting even more pressure on Fresh Pond Yard's limited capacity. NYMTC has demonstrated responsibility in addressing capacity issues by suggesting planning directions in this plan update. These include facilitating direct shipment of waste off Long Island to Oak Point Yard, without stopping at Fresh Pond Yard. However, Action Item 2.2. -- including both MSW and C&D -- needs funding and approval now to develop detailed plans and projects with stakeholders that will ensure the region's needs are met Sustainably.
- Just as NYMTC has commendably acknowledged Climate Change as a major factor in transportation, this plan update should acknowledge how failure to modernize the freight rail system (see NYMTC Goal 123 on page 3 of this comment) and waste-by-rail, and landfilling waste is creating unsustainable public costs, and that there is new equipment that reduces pollution, and recycling action at scale to reduce waste export to landfills.
 - **H138:** NYMTC has demonstrated responsibility in bringing forward the need for clean transportation and the fact that "the types of commodities where water and rail play their largest roles -- fossil fuels and waste -- are likely to hold a declining share of regional good movement," unless they can adapt to handle e commerce and other growth commodities.
 - The Waste Supply Chain should acknowledge NYC's commitment to curbside composting, which involves pickup by city trucks and has the significant potential to reduce landfilled MSW by more than a third, as former DSNY Commissioner and runner-up NYC Mayoral Candidate Kathryn Garcia advocated. Another example is recycling gypsum drywall instead of shipping it to landfills, where it produces toxic hydrogen sulfide gas as it decomposes. These slides from Durst Organization affiliate Building Product Ecosystems show how gypsum drywall could be diverted. Amanda Kaminsky of Building Product Ecosystems said that landfilling drywall gypsum should be illegal because it's a mined mineral, there are environmental and public health impacts, and recycling can stabilize the supply chain for this building product staple.

- The Queens, Manhattan, Brooklyn, and Bronx Solid Waste Advisory Boards are resources for NYMTC re. diversion of waste from landfills.

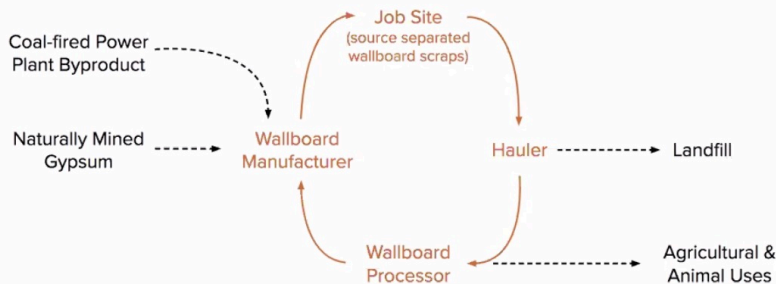
Drywall Debris Flows



CURRENT STANDARD PRACTICE



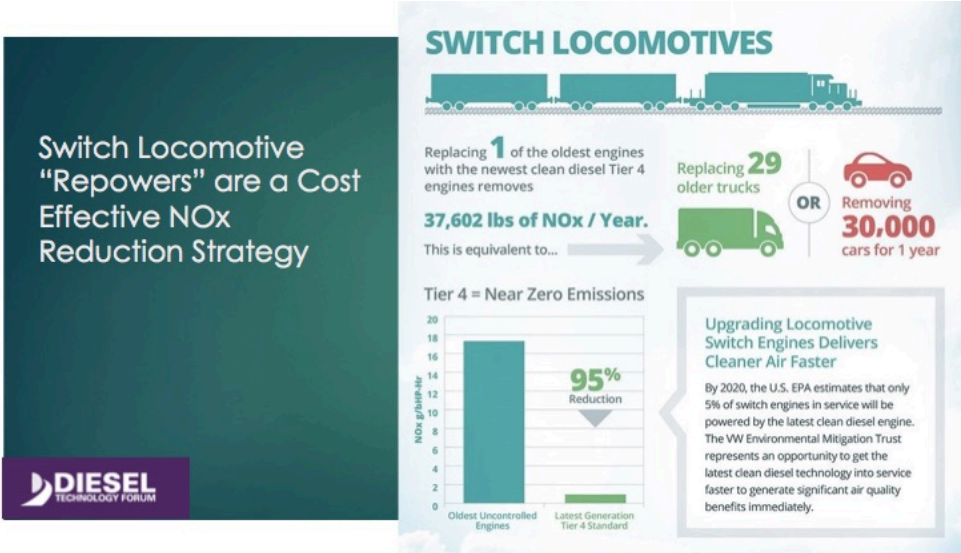
A CLOSED LOOP ALTERNATIVE



- NYMTC has demonstrated responsibility in **Table H-6-4** in stating the “Need for cleaner operations.” LIRR has received \$27 million in NYS appropriations -- \$3M a year since 2013 -- to repower NYA’s 1970’s locomotive fleet to Tier 4 Switchers, but hasn’t done it. Instead LIRR purchased “Tier 3+” PR20B prototype locomotives that have proven to be unreliable, sold 4 MP-15s LIRR was supposed to repower and had the state appropriations to repower to NYA for a total of just \$45,400 (and NYA is “refurbishing them one by one, with no repowering of the

unregulated engines), and gone off on a tangent with MTA RFP 6263 to purchase prototype 2410 bhp Line Haul locomotives with Cummins engines that are misapplied and won't operate with Tier 4 emissions while doing low speed, Switcher work in neighborhoods of NYC and greater LI. LIRR also refused to participate in NYC EDC's highly successful repowering project with DSNY and Waste Management using a DERA grant, which yielded a reliable, near zero emissions Switcher that NYA said works "fantastic" during a NYMTC presentation. LIRR's purchases of hypercustomized prototype locomotives from "established" vendors and consultants has helped push their maintenance costs to more than 4 times the industry average and 25% more than MNR's maintenance costs. NYMTC also has demonstrated responsibility in the RTP and this update by calling attention to the pollution problem in Goal 123 in the RTP. CURES asks that NYMTC's Clean Freight Corridors and Regional Waste Study projects include options for a Tier 4 Switcher repowering project, such as the Port Authority did for NYNJ Rail in 2015 and WM did, removing up to 99% of this needless pollution out of the air our families are breathing. **Figure H-5-16: Why is LIRR not responding to this?!** New repowering options have emerged including this Wabtec option that CSX is pursuing:

https://www.progressiverailroading.com/csx-transportation/news/CSX-to-install-Wabtec-locomotive-modernization-technologies--63835?oly_enc_id=6133B7706701F2A&utm_medium=email&utm_source=prdailynews&utm_campaign=prnewsletter-2021&fbclid=IwAR0LviaCrfGawvzB7m



Preliminary Data Shows Big NOx Reduction Opportunities with Locomotives Investments for New York

10

How to Make the Most of a \$127 million Investment for Immediate NOx Reduction

Application	Price Per Application	# of Vehicles or Equipment placed into Service for \$127 million	Anticipated NOx Reduction per Year per Project	Total Cost to Exclusively Fund a Particular Project	Cost to Remove Each lb of NOx (\$/lb)	Total NOx Reduction (lbs) per year
pre 1991 port truck replacement with Clean Diesel	\$110,000	1,155	1,282	\$127,000,000	\$86	1,480,127
pre 1991 port truck replacement with CNG	\$140,000	907	1,292	\$127,000,000	\$108	1,172,029
MY2000 bus replacement with Hydrogen	\$1,200,000	106	1,162	\$127,000,000	\$1,033	122,978
MY2000 bus replacement with Battery-Electric	\$880,000	144	1,162	\$127,000,000	\$757	167,698
MY2000 bus with Clean Diesel	\$370,000	343	1,062	\$127,000,000	\$348	364,524
T0 to T4 Clean Diesel switch locomotive	\$3,000,000	42	37,602	\$127,000,000	\$80	1,591,818

Source: [1] National Port Strategy Assessment: Reducing Air Pollution and Greenhouse Gases and U.S. Ports*, U.S. EPA (September 21, 2016), [2] "Clean Diesel Versus CNG Buses: Cost, Air Quality and Climate Impacts," Clean Air Task Force (2012), [3] "From Decelt to Transformation: How Connecticut Can Leverage Volkswagen Settlement Funds to Accelerate Progress to a Clean Transportation System," COHN PIRG, January 18, 2017, [4] "Consortium to Fund New Flyer Hydrogen Buses to ACTransit", Passenger Transport, February 24, 2017, [5] Locomotive engine upgrade cost based on a range of industry estimates.



40% less fuel + measurable reductions in ghg, local air pollution

October 1, 2019 / Brooklyn news / Williamsburg
Trash dump express: New fuel-efficient locomotive rolls out in Williamsburg

Enlarge this image



Photo by Trey Pentecost
 Waste Management showed off their recently-launched Green Locomotives at their Varick Avenue yards in Williamsburg on Sept. 26.

BY KEVIN DUGGAN

Waste honchos at a trash hauling business showed off a new "green" locomotive at a Williamsburg industrial yard on Sept. 26, which will help keep Kings County clean in more ways than one, according to an executive at the garbage company.

"It's a much cleaner burning locomotive, much more fuel efficient," said Jim Van Woert, director of diversion strategies at Waste Management.

Brooklyn news / Williamsburg, October 1, 2019

- 19.4 tons nitrogen oxide (NO_x), a 99 percent reduction annually;
- 0.48 tons particulate matter (PM_{2.5}), a 99 percent reduction annually; and
- 26,000 gallons of diesel saved, a 40 percent reduction annually.

US EPA "New York City Locomotive Repowers" October 2019

Inland Ports: We don't see how the Alameda Corridor fits in this category, and NYC can't build anything like Virginia Inland Port. Imagining that Maspeth can be such a place is wishful thinking. There's no space for this, and property is being gobbled up. The freight plan says that there's 20,000 feet of track in this Va. Inland Port, 4 miles of yard tracks. Not possible in Maspeth. "New York City will evaluate siting options for an inland port that leverage existing rail corridors. This will provide users of the inland port with the quick and reliable access needed to

ensure goods are delivered on time." The sites are going or are gone. Maspeth is going to be an inland terminal? So cargo is going to be delivered somewhere? Transloaded? Then barged to Maspeth to be redelivered, "leveraging" "existing rail corridors?" Where is this going to happen and where are the customers willing to pay for all this handling and time? NYA rail service is "quick and reliable?" Ask the existing and ex-customers. NYA was running freight trains on July 4th, 2021 because they don't have enough locomotives to make their trains longer. They are hauling trains of empty cars. Of the 10 ASC units supposedly at their disposal, one (NYA 301, a PR20B) has been out of service for more than 2 years, one of the MP15's is on its way to a rebuilder in East St. Louis, and the other 8 are unreliable especially NYA 300 (a PR20B), which recently came out of LIRR's Morris Park Shop.

Urban Distribution Concept: You know who has one and is building it out? Amazon. If you go to all those sites along the Lower Montauk and Bushwick ROW that were and could have been rail transload facilities, what you will see are trucking terminals and warehouses. FedEx has a big place near the Kosciusko Bridge that's brand spanking new. They took over several properties along the old Kearny Sidings a few years ago. On the Bushwick, where Bohack had warehouses, there's a big new truck terminal. We saw the plans a few months ago. NYMTC has put ideas on paper as a blueprint to 2050, and it's already obsolete. People who want to do business here have their own ideas. They're not waiting for government planning, and they're not asking for freight rail.

The Staten Island Facility: The Staten Island facility is very nice, but for Long Island, what expansion means is trucks from Staten Island instead of NJ.

Related to this is the **Cross Harbor Tunnel plan**, which moves the truck pick-up and drop-off point from NJ to Brooklyn or Queens, without a plan for what to do with the resulting increased truck traffic at truck-rail distribution terminals, or mitigating the other impacts of this heavy industrialization on the health and quality of life communities of NYC where it doesn't exist now. The idea that this tunnel "gets trucks off the road" is more wishful thinking. This is from CURES' public comment on the FEIS, which includes quotes from the New Jersey Motor Truck Association:

Testimony shows the Cross Harbor planners discarded practical alternatives with immediate or bigger payoffs to pursue the tunnel: The FEIS states the Cross Harbor team didn't change any conclusions in response to public testimony on the DEIS. Alternatives that would provide relief in the short term, or have greater impacts in the long term were dismissed in the DEIS and FEIS. These included incentives for off-hour truck deliveries, which the Cross Harbor testimony of the executive director of the New Jersey Motor Truck Association said the organization would support. Chapter 12, Comment 4-44, Page 12-52: We would support more incentives for off-hour deliveries, such as the New York City Department of Transportation (NYCDOT) successful off-hour delivery program. This would require support from shippers

and receivers. We also recommend a study to determine the effectiveness of truck only lanes that could help to expedite freight moving by truck. (Toth)

The new maps in the FEIS show more than 1,300 trucks a day concentrated at points in Brooklyn and Queens -- for a reduction of 700 – 900 trucks on eastbound Hudson River and harbor crossings in a 23-county area, all the way up to Beacon-Newburgh. Toth makes the same point that CURES offered in its DEIS testimony: Page 86, Comment 5-23: With few exceptions the final leg of the shipment will move by truck. You are not reducing truck shipments but merely moving the location for pick-up and/or delivery. (Toth)

Bigger payoff alternatives involving passenger rail or commuters also were dismissed, as many who offered testimony noted, including Toth in her Comment 4-43, Page 12-52: Nowhere in the study is there any recommendation for increasing commuter rail or providing ferry service for cars and buses. Cars and buses combined make up more than 90 percent of the traffic and cause far more congestion and emissions. Ultimately, the congestion these vehicles create increases the cost of goods. (Toth)

NYMTC very diplomatically states, “As discussed in Chapter 5 of *Moving Forward*, every project requires coordination and collaboration between the public sector and private sector. However, unless the private sector contributes additional funding, these partnerships often simply provide access to some form of financing (typically bonds and other forms of loans) that must be paid back over time, with interest, using traditional freight transportation funding sources.” In the case of the Cross Harbor Tunnel, even though it is being planned at public expense for use by private companies, no private company has stepped forward to participate in financing it. In fact, CSX said in their public comment they would only use the tunnel if their own facilities were inoperative, in an emergency, on a temporary basis. This is in stark contrast to the public-private partnerships that modernized the facilities in and around the NJ Port. Nine years after Storm Sandy, in July 2021, water poured into the NYC subway during Tropical Storm Elsa, LIRR trains are literally crawling from Penn Station to Jamaica, and both LIRR and NYA are using unregulated freight locomotives from the 1970’s (the excess pollution of 1.2 million cars!), and yet scarce public transportation funds are still being devoted to planning this tunnel. Why?!

NYMTC also diplomatically mentions the need to listen to stakeholders. CSX already told PANY-NJ they have no use for the Cross Harbor Tunnel and won't be short-shipping themselves to use it. Yet some planners are still insisting that it's an advantage for CSX not to have to go those miles up to Selkirk. The Selkirk argument was in the Cross Harbor Tunnel EIS, and was debunked by CSX in their public comment. However it appears again in this freight plan update, along with the “Need for improved rail access to the East-of-Hudson Region,” as in **Table H-6-5**. Why?! The text below is from CURES’ 2015 public comment on the FEIS for the Cross Harbor tunnel, which quotes from the PANY-NJ Planners’ work and CSX’s public comment on the tunnel:

Appendix A of the DEIS tells us that the premise underlying rail traffic modeling for the tunnel was that rail traffic would be diverted in Selkirk and in Mechanicville to the tunnel, and that shippers would use that

route because it was a shorter and cheaper, a new and better rail route. Here is an example of this thinking from A-20, Appendix A:

One important value-added result from this effort was to quantify the amount of rail traffic that the Rail Tunnel Alternative or the Enhanced Railcar Float Alternative would be likely to attract from existing Selkirk and Mechanicville rail routings. The diversion percentages and totals were calculated for year 2007 traffic, and inflated to 2035 projected volumes based on the growth rates discussed previously. The analysis was sensitive to different levels of service (interchange costs, service delays, etc.) between the three operating scenarios associated with the Rail Tunnel Alternative (Seamless, Base, and Limited Operating Scenarios), the Rail Tunnel with Shuttle Service Alternative, the Rail Tunnel with AGV Technology Alternative, the Rail Tunnel with Chunnel Service Alternative, and the Enhanced Railcar Float Alternative. In every case, traffic over Selkirk and Mechanicville was projected to grow substantially and the rate of that growth was projected to be modestly reduced by the Rail Tunnel Alternative and the Rail Tunnel Alternatives with service and technology options, and only slightly by the Enhanced Railcar Float Alternative.

Planners looked at a railroad map and imagined commodities could move along any series of connections. Here's what CSX had to say about these faulty assumptions and their fatal implications for the tunnel in its FEIS Testimony:

Comment 5-88: ...The DEIS, however, appears to assume that the majority of CSX freight to and from New York City passes through a Trenton, New Jersey gateway, and thus takes a "circuitous" path north via Selkirk. While this routing is taken by some MSW movements to Virginia, the vast majority of CSX freight to/from New York City is west-west in orientation, crosses New York State between Buffalo and Selkirk, and would travel the same distance south to New York City whether on the west side or east side of the Hudson River.

Consequently, the Cross Harbor alternatives would likely serve only as a supplement to CSX's primary route into New York City, including the east-of-Hudson region. (Armbrust)

Appendix A of the Cross Harbor DEIS shows that the planners were going after business on Long Island. The Cross Harbor tunnel modeling assumption was that because their route was shorter in miles, the tunnel route would prevail over CSX's facilities -- government competing with the private sector, trying to divert business from a private company. Did the planners think that CSX was going to divert traffic to the tunnel so they could pay a user fee? CSX has an intermodal terminal in NJ. Did the planners think CSX would cut that business for this tunnel? FEIS testimony indicates that CSX won't route traffic through the tunnel:

Comment 5-88: The vast majority of traffic moving to and from New York City travels primarily over the former New York Central "Water Level Route." This route has minimal grades and nearly all of it has two main tracks, which permit the corridor to support consistent, prompt intermodal, automotive, and merchandise service. This lane is a primary route for import traffic coming from the Far East through western ports moving eastward across the country, through Chicago to CSX's Selkirk classification yard, and then moving beyond into the population centers in the Northeast. (Armbrust)

Comment 6-5-8: In addition to serving as a supplement to CSX's primary Water Level Route, the Cross Harbor alternatives could serve as a temporary alternative route in the event of a sustained emergency condition to CSX's primary route. (Armbrust)

After CSX called out government for incompetence and planning to compete with them, the FEIS responses were careful to agree that the \$10B tunnel was not a replacement for the Water Level Line, as the DEIS had envisioned it for some traffic. Here is an example:

Response 5-88: The Preferred Alternatives would provide for an alternative 'southern' route to the current CSX routing through Selkirk. They are not intended to replace the current alignment.

So, would NS use this tunnel? If you could build a train they would. However, where is the demand? There is excess capacity now via Hell Gate. As NYMTC's report states, most of the tonnage shipped by rail is low value waste and stone. Who will operate the tunnel? How much will it cost vs. the Cross Harbor float? Ten years ago the Cross Harbor float charged \$500 for every carload they moved. NYA added \$190 for Bay Ridge traffic. Those costs have surely risen, but what will a tunnel move cost? Neither NYMTC nor PANYNJ has put together a fee and rate structure for tunnel traffic. Remember you need locomotives and crews JUST to move traffic through this tunnel. What will a crew start cost? And who is asking for this? Not CSX. Where are the identified tunnel customers and financial participants to pay for it, even after costly public planning has gone on for decades? RPA demolished the rationale for this tunnel in its 2015 testimony: <https://rpa.org/latest/testimony/testimony-on-cross-harbor-freight-study>

Red Hook Terminal: The Port Authority already developed the means for the big ships to go to Jersey, and they own the railroad property that can take containers west.

H158/P&W: "The Providence and Worcester Railroad, which maintains trackage rights with CSX to operate over the Hell Gate Line via Metro-North's New Haven route. The only regular move by Providence and Worcester Railroad on this route is the handling of crushed rock in unit train service to Fresh Pond Junction on Long Island, which is the only commodity permitted under the railroad's limited trackage rights." P&W's limitation is not commodity, but number of cars per train. They must have 40 cars/train and stone is the only commodity that is possible now.

H153: 26,000 trucks/day in Queens & 29,500/day in Nassau. Andy Kaufman's golf course sand operation is taking 100 trucks, period, off the road. NYA makes a claim for 120,000 trucks per year, or 4 days of truck traffic on the LIE, give or take. Meanwhile half the semis leave the region empty.

H213 shows Freight NYC "initiatives" which are fantasies. We saw this a few years ago, and those proposed transload sites have little value. They are difficult to reach because the Bay Ridge has poor access for road vehicles. Where is the demand for this? The Maspeth site has better access and is used to a much greater extent than any other such site in Brooklyn or Queens, but what industries are seeking rail access? We keep asking this question. Who wants rail service right now? Sites with freight rail access in NYC and greater Long Island have gone

begging for years. Government agencies want companies to use rail, but the vast majority of what's actually being hauled is waste and stone. NYMTC has demonstrated responsibility in stating this and the reasons for it in this update.

H102: Truck waste tonnage is expected to grow from 18.4 to 24.2. Rail from 2.4 to 3.0. Does this finally recognize the limited capacity of rail? We commend NYMTC for recognizing that "Within the NYMTC planning area, only a handful of carload service freight yards and terminals remain, with most previous facilities either converted to non-rail or non-freight rail uses," something no PANY-NJ Planner since Laura Shabe has taken into account. This is from CURES 2015 public comment on the FEIS:

Testimony indicates that the tunnel will create impassable bottlenecks at key locations: *The FEIS defends a DEIS that churned out fatally flawed tunnel alternatives at public expense without understanding that that amount of traffic would create impassable bottlenecks at key locations. Jim Newell's testimony in this regard was confirming.*

Tunnel proponents assert the myth that there is a rail system east of Hudson that is not being used, as this comment to WNYC on October 12, 2015, by Congressman Nadler: "We have a rail system that was developed a century ago which is basically unused by freight," he said. "We should use it."
<http://www.wnyc.org/story/new-yorks-roads-trucked-up/>.

The traffic at Fresh Pond today is straining the capacity NY&A has, especially because much of it goes past Jamaica. This has to go out and come back in defined LIRR operating windows using ASC equipped locomotives, of which NY&A only has eight (now 10). Crews have to be trained to work these routes. The long-term growth projections indicate severe problems ahead. Even if most of that was diverted to rail, the problems would still be here because the rail system on Long Island is already congested. Today, NY&A moves almost 30,000 carloads, about three times the traffic LIRR moved in 1996. However, they have a derailment on the main line and for two days LIRR has to reduce service, just like what you see on the LIE when there's an accident or breakdown.

Cross Harbor planners should have asked how many freight trains a day east of Jamaica are possible under LIRR's operating windows now and after East Side Access opens. CURES is informed that LIRR is projecting as many as 1,500 trains a day. Although a certain increase will be on the Pt. Washington line and thus have no impact on the Main Line east of Jamaica, LIRR hopes to be able to run many more trains into the 2 track Main Line from Floral Park to Hicksville. That means more deadheading. Where they are going to put all those trains heading into Manhattan?

Instead of wasting more money on failed Cross Harbor planning, plan and implement improvements that make the rail system east of Hudson functional, clean, and safe.

H23: NYMTC has demonstrated responsibility in its measured descriptions of the limitations on freight rail in the region: track network and rail yard capacity, availability of warehouse/distribution facilities essential to consolidate and de-consolidate container loads, lack of rail carload customers and service users, and national railroad business practices. Yet

Table H-6-4 posits unrealistic infrastructure investments, e.g. that would allow shipment of double stack rail cars. Quite recently there were infrastructure upgrades made to a bridge by Fresh Pond Yard to increase clearances, and the maximum sized car that could be accommodated was Plate F, 17', not double stack or auto rack cars that require greater clearances and vastly more yard space. Why does this wishful thinking keep coming up?!

H244, 6.1: What about BRT? What customers are asking for this? If NYA needs a new yard, why not let them pay for it, the way real railroads do? How much money did NYA Owners Gilbertson and Lieberman make when Macquarie Group and WIN bought Tunnel Hill Partners?

H250, 7.3.2: The public that is dealing with rail and waste-by-rail is already educated about the issues at this point. Our families live and breathe the issues, and we have proactively advocated as volunteers for clean technologies and funding to implement them since 2009. When are the MTA-LIRR, NYA, THP/WIN, DEC, and the Governor going to respond and finally make the freight rail system Sustainable?! It's particularly disquieting to read that what's needed is education for the public in light of the fact that \$27M has been appropriated already to repower the NYA's locomotives to Tier 4 Switchers, and private fortunes have been made in waste-by-rail using uncovered rail cars and 3-sided buildings with a roof. What is needed is for the Governor and the state agencies he controls to demonstrate responsibility and protect the public they are supposed to serve by:

- Repowering freight rail locomotives operating in the NYMTC region to Tier 4 Switcher emissions.
- Promulgating regulations to:
 - Contain all waste blowoff, leachate, and odors in rail cars and containers.
 - Make all transfer stations upgrade to enclosed facilities with modern air and stormwater pollution controls.
 - Follow New Jersey's lead in permitting new transfer stations and other polluting industries in Environmental Justice Communities:
<https://www.nj.gov/dep/ej/docs/ej-law.pdf>

We deeply appreciate NYMTC's work and this opportunity to comment. Please ask the NYMTC voting members to provide these basic protections to our families. The technology exists to do this. These protections already appeared in the previous RTP as Goals. Please do the studies that are required to make them into plans and TIP projects now, and fund them. You have our gratitude! Thank you!



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Thank you for this opportunity to comment on the RTP update. Please add these comments to the public record as an addition to the testimony previously submitted by CURES. Mary Parisen-Lavelle, Chair CURES - 718-772-6563.

Waste Supply Chain and Action Item 2.2: Action Item 2.2. must read: "Perform a regional study of needs and opportunities associated with the movement of MSW and C&D." An omission in this Supply Chain study and in **Table H-6-4 (Need for Cleaner Operations)** is that in NYMTC's last Regional Transportation Plan, Goal 124 stated that these waste gondolas should be covered. That Goal must also be included in this section of the update and should be identified as an "Environmental" issue, not just a "Quality of Life" issue because C&D operations at truck-rail transfer stations and C&D transport by rail are polluting air and water.

How do we know this? Because Baykeeper and Riverkeeper have given notice recently that they are going to sue transfer stations that process C&D for Clean Water Act violations in federal court, as described at this link and in the excerpt below: <https://www.nylpi.org/waste-transfer-facilities-in-jamaica-are-violating-the-clean-water-act-according-to-notices-of-intent-to-sue-from-ny-nj-baykeeper-and-riverkeeper/>

The Notices allege that waste transfer facilities belonging to American Recycling Management LLC and Regal Recycling Co., Inc. on Douglas Avenue in Jamaica, Queens, are operating in violation of the Clean Water Act by discharging polluted stormwater into Jamaica Bay without obtaining, or meeting the conditions of, the required National Pollution Discharge Elimination System permits. This Notice triggers a 60-day waiting period, required by the federal law, after which a complaint may be filed in federal court.

The facilities' polluting practices do not only affect Jamaica Bay; the residential community that surrounds the facilities in Jamaica, Queens, have faced the harmful impacts of the facilities' pollution for over a decade. As a result of the facilities' practices, community members are subjected to putrid odors, loud noises from truck traffic, and excessive dust from construction and demolition materials.

The New York State Department of Environmental Conservation (DEC) has designated Jamaica Bay as "impaired," or not meeting water quality standards required to support fish habitats or

water contact recreation. The DEC cites polluted stormwater runoff as a primary source of pollutants that cause bodies of water, like Jamaica Bay, to be listed as impaired.

Many affected community members testified to the detrimental impacts from these facilities' operations at a New York City Council Sanitation Committee Hearing on June 24. The hearing was held to consider Int. No. 2349, a bill that would allow the companies to increase these facilities' permitted capacity, or the amount of waste they can process each day. Increasing capacity, especially in light of the pollution these Notices allege, would undo the progress made by the Waste Equity Law of 2018, and allow these facilities to continue to operate with impunity.

A CURES Board Member recently took the photographs below of a three-sided building with a roof owned by Regal-Royal-American. They show their polluting, open air processing operations on Douglas Avenue in Jamaica. The lack of containment of waste and lack of pollution controls at this facility mean that this particulate pollution is fouling community air and running into and clogging up storm drains. This is the problem Riverkeeper and Baykeeper are addressing. When C&D is dumped and crushed in an open gondola in a three-sided building with a roof, and then the C&D is hauled into NYC and cross country in an open rail cars with drains in the bottom, it pollutes air and water too. And when C&D gets into the landfill, decomposing gypsum drywall generates toxic hydrogen sulfide gas.





See Riverkeeper’s testimony to DEC on the Part 360 update below, which describes why C&D pollution is an Environmental problem, not just a “Quality of Life” problem. This is totally needless air and water pollution because there are modern technologies that can eliminate it. Please add language to the plan update that acknowledges this as an Environmental problem -- just like the unregulated freight locomotive fleets are an environmental problem (Goal 123), include C&D in the regional study, and develop TIP projects to eliminate pollution from this industry. Thank you.

V. Containment Standards for Waste-by-Rail Operations

The proposed Part 360 regulations exempt transport of waste by rail from operating requirements in Part 364-4.8(g) which mandate that “[a]ll wastes must be properly covered or contained during transport so as to prevent leaking, blowing, or any other type of discharge into the environment.” *See* proposed 6 NYCRR § 364-2(a). The loophole allows for precipitation to enter uncovered railcar containers. The precipitation may then leach through the waste and enter the environment without treatment along the route of train corridor, potentially exposing vast areas and waterways to contamination. During dry conditions, dust can blow off the uncovered containers, contaminating air, soil and water in areas surrounding the train routes.

