

# Breaking Through

**How smart partnerships overcame decades of resistance to modernize America's busiest commuter railroad**

**By Elizabeth Moore**



Train Terraces: Incubating Urbanism in Westbury, NY. Design proposal for ParkingPLUS, a design challenge from the Long Island Index, a project of the Rauch Foundation. Design submitted by Paul Lewis, Marc Tsurumaki and David J. Lewis of LTL Architects.

Dear Reader,

It is with great pleasure and pride that the Rauch Foundation has underwritten this excellent case study by Elizabeth Moore that tells the long and complicated story of how the 3rd Track on the Long Island Rail Road finally came to be. This is a story that we hope will resonate with many other leaders around the country, as it reveals how a sustained, cross-sector effort with business, philanthropy, education and research institutions, labor and numerous nonprofit organizations were combined with the power, leadership and determination of New York State's governor Andrew Cuomo, to bring to fruition a project that was widely considered impossible.

There were definitely substantial individual contributions:

- New York Gov. Andrew Cuomo, who exercised the full range of his powers to make this happen, including and importantly listening to the concerns of the villages most impacted by the project.
- Kevin Law, the President of Long Island's major business group the Long Island Association and David Kapell, former mayor of Greenport and currently consultant to the Rauch Foundation, were a formidable team for developing strategy and organizing the on-the-ground work as well as providing day-to-day leadership.
- The Long Island Index Advisory Committee who provided wise counsel for more than 15 years.
- Our researchers: Ann Golob, Director of the LI Index project for over 12 years, for her leadership, creativity and quality control over the entire Index project; and our researchers the Regional Plan Association and HR&A Advisors, who compiled strong, substantive reports.
- And finally, Dr. Bruce Stillman, President of Cold Spring Harbor Laboratory, who was active on the Advisory Committee for 15 years and was the person to suggest that the 3rd Track project deserved a case study which would document why the 3rd Track effort, out of all our other reports, led to real on-the-ground success.

As for the role of the Rauch Foundation, this project involved our utilizing the power of a foundation to convene and to produce unbiased research. We also committed to funding this effort over many years, and this was a crucial factor for the effort.

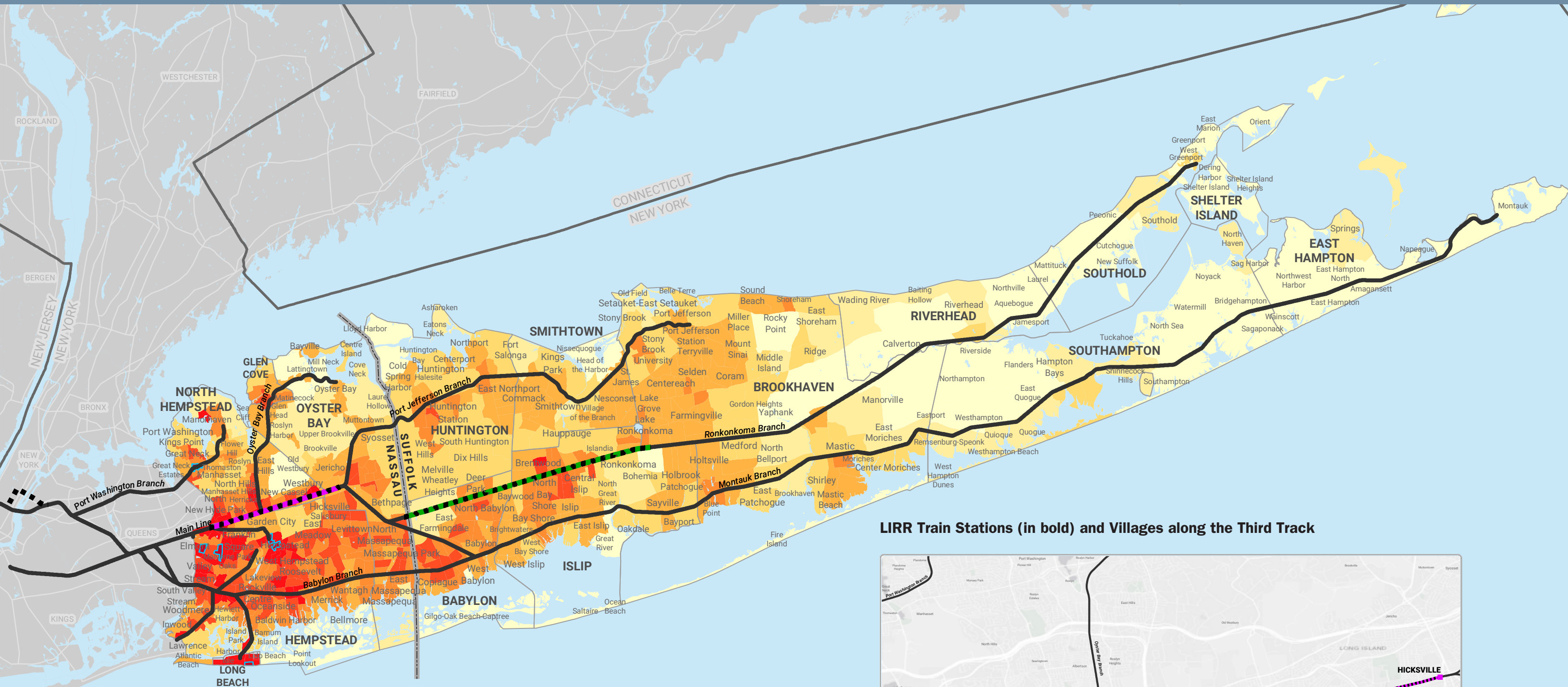
The report that follows is an excellent story of regional success for a region not known for its ability to collaborate. I hope that it will prove to be a useful model for others.

A handwritten signature in black ink, appearing to read "Nancy R. Douzinas".

Nancy Rauch Douzinas  
President, Rauch Foundation



# Long Island Rail Road and Key Track Improvement Projects



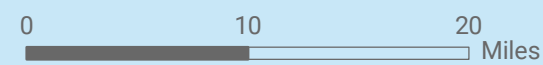
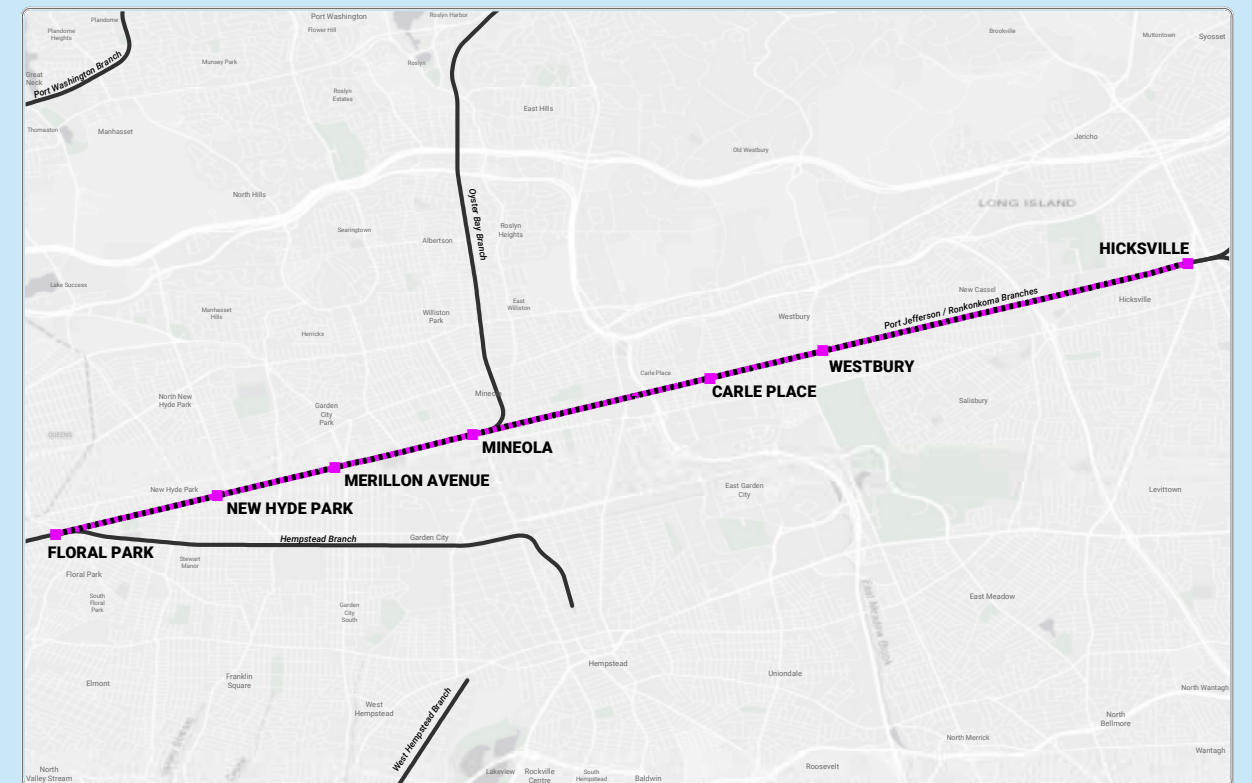
**Population density (people / sq mi)**  
by census tract, during the 2013-2017 period



## Track Improvements

- East Side Access
- Second Track
- Third Track

**LIRR Train Stations (in bold) and Villages along the Third Track**



Cartography by CUNY Center for Urban Research, 2019.  
Data Sources: LIRR, U.S. Census Bureau, USGS, RPA.

# Executive Summary

**T**he Long Island Rail Road (LIRR), connecting suburbs and rural communities to the heart of New York City, is the busiest commuter railroad in the United States. With an annual budget of nearly \$1.5 billion and annual ridership of almost 90 million, the LIRR serves, on the average weekday, more than 310,000 people.

Yet the railroad's ability to serve the region's riders has been hampered by a major weakness, one it doesn't take an engineering degree to understand: Four LIRR branches converge on the rail road's main line in western Nassau County, funneled onto just two tracks that now carry more than 250 trains each day. Meanwhile, the tracks are intersected by seven street-level crossings, causing traffic to build up as trains pass and posing a danger to pedestrians and motorists alike. The combination has meant chronic delays, limited service and the embarrassing fact that the main artery of the nation's busiest commuter railroad can only send trains in one direction for most of rush hour. And it has left a long, tragic legacy of avoidable fatal accidents at those crossings.

## A Legacy of Limbo

For more than 70 years, experts urged the addition of a third track stretching alongside the other two between Floral Park and Hicksville, a seemingly simple 10-mile stretch of rail that would have outsized positive impact for commuters, drivers and communities along the way. And for just as long, political recalcitrance, local NIMBYism and a hefty price tag drove a series of political battles that kept the needed work from getting done. As the decades passed and memories of the details faded, an almost superstitious conviction took hold: Don't waste your time.

Yet today construction of a third track, officially known as the "LIRR Expansion Project from Floral Park to Hicksville," is under way and scheduled for completion by the fall of 2022.

How was this \$2.6-billion package of projects finally set in motion?

## A Foundation for Change

It is often at the point of seemingly intractable political gridlock that change becomes possible. Enter the Rauch Foundation. A Long Island-based family foundation that focuses on finding solutions to some of the most pressing problems of the region, Rauch was in a unique position to see the bigger picture and foster dispassionate dialogue to drive constructive and collaborative action.

To reanimate the stalled third track project, the foundation sponsored deep, high-quality analysis that clearly illuminated the LIRR's central importance to Long Island's economic and demographic health and future. The Rauch Foundation acted as the connector, a supportive and respected mediator that could advance the priorities of pro-expansion advocates and address the legitimate concerns of local residents, whose lives would be ultimately improved by the project but would have to endure years of construction in the meantime.

Further research commissioned by Rauch quantified the benefits a third track would provide to the region, including 14,000 new jobs and \$5.6 billion in economic growth, not to mention higher property values for residents, safer roads and rails, and – of course – faster commutes with fewer delays.

## From Vision to Elbow Grease

But, ultimately, getting to yes required more than just numbers on a spreadsheet. It required a new regional coalition of committed Long Islanders who had studied the lessons of past failures, sized up the astonishing social cost of that missing stretch of track and convinced New York Governor Andrew Cuomo that a major investment in the railroad would repay itself many times over. It took a significant commitment by Gov. Cuomo, who reframed the problem as an opportunity, deployed a fast-track team to drive a design-build procurement process, prevailed upon engineers to keep re-drawing the plans until they no longer needed to take private homes, and won the support of mayors of the small towns and villages along the track through direct personal appeals and a generous package of benefits. It also took a well-funded coalition campaign to transform public perceptions of the project by ensuring its supporters were numerous, persuasive and vocal every time the issue came up.

Navigating the complex local politics of Long Island was another major undertaking. The Rauch Foundation invested in a sustained, intensive multi-year campaign with the Long Island Association (LIA) to change thinking around the project among a diverse cross-section of business, nonprofit and governmental leaders.

This locally driven approach and spirit of collaboration is what finally pushed the project across the finish line. Cuomo himself would redefine the solution, expanding it to include the costly grade crossing removals residents had long demanded.

## The Right Track for Long Island

This case study, "Breaking Through," traces over a century of the LIRR's contentious political history, from the farmlands of the late 19th century to the state capitol in 2019. Beginning as a humble travel corridor for Boston-bound commuters coming from Brooklyn, before long the LIRR had established itself as the busiest commuter railway system in America. The report follows the vigorous resistance of new suburban homeowners against a plan to elevate the tracks after World War II, a challenge that only intensified after a deadly crossing accident that killed nine teenagers. It charts the 15 years of paralysis that resulted as federal, state, county and local governments struggled to disentangle the snarl of roads and rails that had come to be called "the Bottleneck of Long Island." And finally, it chronicles the parochial tensions of the 2000s that at one point left the Third Track project politically dead.

Having assessed the battles of the past, the Rauch Foundation was determined to avoid the same mistakes in the future. Working alongside Gov. Cuomo's team, it joined with the LIA and Laborers Local 1298 to marshal a broad and vocal campaign of popular support, the "Right Track for Long Island Coalition," which helped to deliver one of the most transformational political, social and economic achievements in Long Island (and New York) history.

The success of the Third Track project proves that big change is possible. But it doesn't happen overnight. It requires everyone – advocates, experts, elected officials, philanthropy and engaged citizens – to choose progress over partisanship and the status quo. The third track is a model of partnership and persistence, a shining example of how thoughtful research, engaged place-based philanthropy, respect for local concerns and cross-sector collaboration can realize a better, fairer and faster future for all aboard.

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# Introduction



How did the Long Island Rail Road succeed in winning approval and funding for its “LIRR Expansion Project from Floral Park to Hicksville” in 2017 after so many previous attempts, and so many similarly complex infrastructure projects, had failed in the region?

The need for a third track on the railroad’s Main Line was apparent at least as far back as the 1940s as essential to relieving congestion, and improving the on-time performance of the nation’s busiest commuter railroad. Four branch lines converge on this one 10-mile corridor, funnelling more than 40 percent of the railroad’s riders onto a single pair of tracks, monopolizing them with inbound traffic in the morning and outbound trains in the evening. That pair of tracks is intersected by seven grade-level crossings that should have been eliminated early in the last century. The combination leaves almost no room in the system for reverse-peak commuters, and no way to prevent a single accident or ordinary snowfall from triggering a cascade of delays that can quickly become a regional emergency.

But for decades, calls to modernize this segment of the line went unheeded, first because the railroad’s private owners had little incentive, later because Robert Moses steered transportation money to highways, and finally because the work called for costly and potentially ruinous disruption and takings of suburban homes and businesses that had multiplied in close proximity to the railroad.

These dynamics came to a head in 2005 after the Metropolitan Transportation Authority finally dedicated funding to push the project through, only to fold its plans a few years later after running into opposition from citizens along the track that was extraordinary in its scale, intensity and bitterness.

Just a decade later, a coalition representing a broad cross section of the region’s civic, labor and business interests persuaded Cuomo to make another attempt, and now construction is under way at a rapid pace.

How did that happen?

Veterans of Long Island’s fractious politics who witnessed it up close say the successful campaign and its disastrous predecessor provide valuable lessons for anyone seeking regional infrastructure solutions that - at first - seem to conflict with neighborhood preferences.

LIRR, Carle Place, 1951

Photo by Harvey Weber.  
Courtesy of the Queens  
Borough Public Library,  
Archives, Ron Ziel Collec-  
tion



# Missed Opportunities: 1910-1965

## 1. The “Penny”

The stretch of track that has been the focus of so many decades of political travail is the same strip of land that formed the main line of the Long Island Rail Road chartered in 1834.

First incorporated as a daily service for Boston-bound travelers, who rode it from Brooklyn to Greenport to catch a ferry to Connecticut, the Long Island Rail Road was routed along the most direct route to that destination, a right of way averaging 66 feet wide straight down the empty center of the Island, where land was cheap and the grade level.

The LIRR was driven to bankruptcy after new rail lines were laid in Connecticut, wiping out most Greenport ferry business. But when the Pennsylvania Rail Road (PRR) acquired the LIRR and opened direct service to Penn Station in 1910, ridership exploded, reaching nearly 119 million in 1929, and sending 54 million commuters to Penn Station in 1930. The LIRR had quickly established itself as the nation’s busiest commuter railroad.<sup>1</sup>

At the beginning, much of its traffic was in the booming boroughs of Brooklyn and Queens, but the LIRR worked to make new customers by promoting rapid residential development of unpopu-

lated areas to the east, with entire communities, such as Williston Park, built by developers, who sometimes built their own train stations if the LIRR would agree to stop at them.<sup>2,3</sup>

Adding a third track to the Main Line would still have been relatively inexpensive when most of it passed through farm fields, as in this photo (right) of New Hyde Park in 1918.

But the railroad was then pouring money into a range of upgrades to meet the surging commuter demand: adding second tracks and trains, raising and lowering lines in Queens and Brooklyn, and extending electrification. Then the Depression struck. Railroad passenger revenues plunged on the LIRR as they did nationwide, and new subways, private bus lines and autos drew millions more away each year. The LIRR became notorious for crowded, dirty, unheated and antiquated cars and poor service.<sup>4</sup> As time passed, critics contended that the PRR was using the LIRR as a dumping ground for hand-me-down trains and draining its revenues to benefit the balance sheet in Philadelphia.<sup>6,7</sup>

Some historians charged purposeful neglect, saying the denizens of Long Island’s Gold Coast bought enough stock in the Pennsylvania Rail Road to see to it that North Shore branches remained dilapidated, so as to deter suburban growth.<sup>8</sup> But the LIRR was from the start a uniquely problematic asset among



New Hyde Park grade crossing, looking east, 1918. The third track on the left may be a freight spur. NY Public Service Commission photo. Courtesy of the Queens Borough Public Library, Archives, William J. Rugen Collection

American railroads, because it never carried much freight.<sup>9</sup> After 1934, it logged an unbroken series of annual deficits, but the state refused repeated requests to raise its fares.

A universal public concern across New York State at that time was the safety hazard posed by hundreds of grade crossings, like the one in the photo taken at New Hyde Park, where rails and road directly intersected. Separating the flow of cars from trains is one of the costliest kinds of road projects, but was also understood to be essential for smooth traffic flow and efficient train service as the state’s population density increased. In 1924, New York Gov. Al Smith pushed through legislation for a constitutional

amendment, ratified by the voters two years later, establishing a \$300 million fund to help pay for grade crossing projects statewide. The railroads were to pick up half the cost of the work.

By the time Smith left office in 1929, 200 crossings had been eliminated.<sup>10</sup> But a decade later, the LIRR had tackled less than half the work the state Public Service Commission had ordered, lagging most other railroads in the state.<sup>11</sup> As a result, Long Island communities had yet to receive their fair share of the fund. But the LIRR protested that it should not be required to spend millions it didn’t have to build overpasses and underpasses that mainly benefited the cars and buses competing for its business.<sup>12</sup>

	Railroad	Work Done	Total Work Ordered	Percent Done or Under Contract
<p>In 1939, Public Service Commission data showed the LIRR had done just under half the grade crossing work ordered, lagging most other railroads in the state.</p> <p>Source: <i>NY Times</i></p>	N.Y. Central.....	\$33,200,316	\$64,795,566	51.2
	Eric.....	11,757,260	17,189,327	68.4
	Del & Hudson.....	9,139,056	10,653,056	85.8
	D. L. & W.....	6,088,181	7,414,973	82.1
	Lehigh Valley.....	3,413,511	5,534,106	61.7
	Long Island	9,770,334	19,619,334	49.8
	Pennsylvania.....	3,906,610	5,724,645	68.2
	N. Y. O. & W.....	927,501	1,112,701	83.4
	Baltimore & Ohio..	1,037,860	2,031,779	51.1
	Boston & Maine	936,205	1,021,605	91.6
	New Haven.....	678,005	950,505	71.3
N.Y. Chicago & St. Louis.....	237,930	787,830	30.2	

To speed the pace of the crossing work, and despite the PSC’s objection to rewarding railroads that had shirked their obligations, an amendment approved at New York’s 1938 Constitutional Convention shifted responsibility for grade crossing eliminations, and at least 85 percent of the cost, to the state.<sup>13 14</sup>

## 2. Newsday v. Moses

That was where things stood one September evening in 1940, when curly-haired 2-year-old Virginia Lanzilotta of Westbury, apparently looking for her mother, wandered out of the family’s backyard and onto the Long Island Rail Road crossing at Urban Avenue, where she was killed by an eastbound express train.

Witnesses described a heart-rending scene: Virginia’s 16-year-old brother rushing over to scoop up her small body; the anguished cries of her mother and shouts of the trainmen waking her father, a night janitor at the Mineola

courthouse; the toddler’s body laid in an upstairs bedroom of the grief-shrouded home; neighbors gathering downstairs, murmuring they had long expected a death at that crossing.<sup>15</sup>

For the new Long Island tabloid *Newsday*, which had begun publishing two weeks earlier, little Virginia’s death was one of the new staff’s first spot-news tragedies, and grade crossing eliminations became one of the first causes for which *Newsday* would spend ink by the barrel. But the editorial page vowed to make the LIRR’s other needs a core mission, especially the need for more trains, and more express trains,<sup>16</sup> a promise it kept.<sup>17</sup> Pressed that day by *Newsday* for a comment on Virginia’s death and a response to its litany of commuter complaints, LIRR superintendent, Charles E. Adams, protested that the LIRR was running a deficit of \$2 million a year. Because the railroad had the right of way it was not at fault in the accident, and anyway, Adams said, grade crossings were almost entirely the state’s responsibility now.<sup>18</sup>

Still, the coverage got results: Within several weeks, Nassau officials had put together a new \$3.2-million list of dangerous crossings that they wanted New York to add to its priority list. Among them were seven crossings in Mineola: Main Street; Second Street; two at Willis Avenue; Roslyn Road; Third Street; and Old Country Road, also known as Herricks Road. The combined cost: \$800,000. A separate group of crossings were already due to be removed in New Hyde Park. That December, the state Public Service Commission put the entire \$3.2 million slate of Nassau projects on its “must” list for removal.<sup>19 20 21</sup>

But something else had been going on during this period that would upend those plans: Robert Moses had decided to tap the grade-crossing fund for his parkways.

Now entering the height of his fame and the prime of his power as the unelected official shaping the face of modern New York, Moses held a royal flush of job titles, as chairman of the new Triborough Bridge and Tunnel Authority and the state parks council, city parks commissioner, and president of the Long Island State Park Commission. Moses had writ-

ten the legislation for the grade-crossing fund as an aide to Smith,<sup>22</sup> and he’d written the revision, too.<sup>23</sup> Now he was pushing a plan to divert some \$60 million from it for the state parkway network he’d been assembling for more than a decade.

Moses had been lavishing parks and parkways upon Long Island (a source of power and patronage for its political class<sup>24</sup>) for years now, but orienting around mass transit infrastructure and regional commerce ran counter to his firmly held vision. As a long strip of land fringed with beaches that dead-ended in the Atlantic, Long Island “is not a commercial community,” he had told real estate groups in 1927, but rather “a natural recreational community, the inevitable playground for millions of people in the metropolitan section.”<sup>25</sup>

Moses would need a constitutional amendment to divert the grade-crossing fund from its statutory purpose. He would spend the money to extend the Northern State Parkway into Suffolk County, to add to the Bronx River and Cross County parkways, as well as for parkways in Erie and Monroe counties. His proposal went before voters in 1941.



The 1940 death of little Virginia Lanzilotta, shown here as an infant, at Westbury’s Urban Avenue was the first LIRR fatality covered by *Newsday*, and prompted the paper to do intensive reporting on grade crossings and to push for improvements. Photo courtesy Salvatore Lanzilotta

Moses denounced as "sheer bunk" the idea that his measure would sabotage the elimination of danger spots on Long Island, blaming the Long Island Rail Road for the lack of progress on the crossings, adding it was moving so slowly the money wouldn't be needed any time soon.<sup>26</sup>

His choice of parkway projects seemed engineered to win support in Republican areas, but on Long Island, a broad array of civic, business and policy groups were united against diverting the crossing funds. The Long Island Association was opposed.<sup>27</sup> So was the Association of Long Island Commuters<sup>28</sup> and the Citizens Public Expenditure Survey.<sup>29</sup> The Long Island Real Estate Board condemned it, as did the Nassau Taxpayers League.<sup>30</sup> A member of the Nassau Board of Supervisors said the crossings fund was of "extreme importance" to Long Island.<sup>31</sup>

But none of them had Moses' powers of media persuasion, nor the resources he could command. As chairman of the Long Island Parkway Commission, Moses convened a meeting of the state parks council on Long Island in late July - to which he brought down 200 upstate

parks officials and their families for a visit to Jones Beach, where they enjoyed a buffet lunch, supper, water show and fireworks display as his guests at Zach's Bay Stadium. At that council meeting, Moses formed a committee, headed by the just-appointed director of the state parks council, "to enlighten the public on the referendum." Moses' happy appointee, James Evans of Albany, explained to reporters that there was no longer such urgency about grade crossing elimination.

"The greatest menace today are bottleneck highways," Moses' man asserted. "So many grade crossings have been eliminated in the state that the hazard is no longer of primary concern."<sup>32</sup>

It was a quintessential Moses maneuver.<sup>33</sup> Newsday tried to drive home what was at stake a few days before the vote with a full-page spread listing a "Roll of the Dead" of various crossing accidents over the previous six years, complete with grisly photos of the wrecks.<sup>34</sup>

But Moses' referendum was approved in a Republican sweep, a measure, observers said, of both the party's strength and the parkways' popularity.<sup>35</sup>

Eight days later, a light truck carrying seven construction workers on their way home from work drove onto Mineola's Old Country/Herricks Road crossing in the gathering darkness, directly into the path of a New York-bound steam express.

The truck blew apart with the force of the impact. Six of its occupants were killed instantly; the seventh was carried moaning to Meadowbrook Hospital, where he died the next morning. A crowd of 2,000 milled about, gawking at the uncovered bodies. The watchman stationed at that crossing, who had been

Moses denounced as "sheer bunk" the idea that his measure would sabotage the elimination of danger spots on Long Island, blaming the Long Island Rail Road for the lack of progress on the crossings.

# Seven Killed as Train Hits Truck At Old Country Road Crossing

## Watchman Is Jailed For Manslaughter

Mineola—In the most horrible grade crossing wreck in Nassau County in a decade six men were killed instantly yesterday and a seventh died early today. The Old Country Road grade crossing, scheduled for elimination before passage of the Diversion Bill caused its removal from the list, was the scene of the crash.

The gates were up at 5:16 P. M. as a truck, carrying seven workmen on their way home drove onto the tracks in the path of a New York bound express, steam driven. The watchman, a new man on the crossing, was arrested last night at the direction of District Attorney Edward J. Neary, charged with manslaughter, 2nd degree. The dead are:

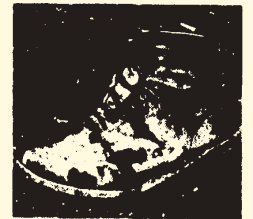
Joseph Gutowski, 47, 337 Prince St., Flushing, Joseph Olziewski, 42, 3410 Linnius Pl., Flushing, Stephen Slizicki, 25, 45-45 206th St., Bayside, Edward Kranglewitz Sr., 53, 206-34 46th Rd., Bayside, Queens, and his three sons, Michael, 19, Edward Jr., 22, and Joseph, 24.

Joseph Kranglewitz, driver of the truck, lingered in Meadowbrook Hospital until 7:10 this morning when he died.

The truck was westbound on the Old Country Road. The road runs parallel with the tracks for many miles, then swerves sharply to the north, crosses the track and becomes Herricks Road. The view of the truck driver to his right was partially obscured by brush and low trees.

### Others Cross Safely

As the locomotive bore down on the crossing, the engineer peered ahead, but said he could not determine in the fast gathering darkness whether or not



**ONE SHOE**, ripped from a workman's foot by the force of the impact, lies amid the wreckage, mute testimony to the horror of the crash.

the gates were down. He pulled his whistle cord and the locomotive blasted its warning.

A party of three men, with Walter Graham of 15 Lincoln Blvd., Hempstead, driving, just skipped over the crossing in time. They shouted and waved at the seven men in the truck but the men waved back. Graham braked his car to a stop and the three looked back as the truck reached the middle of the westbound track and the locomotive pilot

—Continued on Page 24.



**STILL ALIVE**, but on the fringe of death, is Joseph Kranglewitz, driver of the truck. He is being carried to a Meadowbrook ambulance by the driver and policeman. Two of his brothers and his father were killed in the tragedy. He died this morning.

## Tragedy Strikes Many Homes

A brilliant young baseball pitcher who was to have started in the big leagues next Spring, the father of a dying child and a boy engaged to be married were among the victims of last night's wreck at the Old Country Rd. crossing.

Seven died in that wreck—one of the most brutal in Nassau's history—and the skeins of tragedy stretched from that battered and bloody accordion of a truck into scores of homes.

In a swift, deadly stroke, one family was robbed of a husband and three sons; a mother of four children lost her husband; a pretty young girl lost her fiance. Shocked and bereaved relatives throughout the district tried to comprehend what had happened.

Take the family of Edward Kranglewitz, 57, of 206-34 46th Rd., Bayside.

Edward Sr. died immediately,



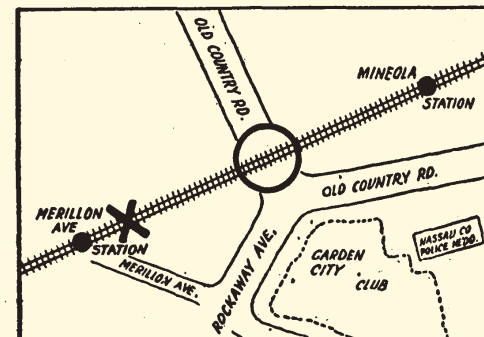
**TRUCK MOTOR** was ripped clear from the chassis and thrown across the tracks to the embankment.

as did his sons Edward Jr., 27, and Michael, 19. Joseph, 24,

lingered awhile at the hospital. Then he died, too.

A grim faced policeman appeared at the Kranglewitz home last night and told Walter, 27, that there had been an accident and that his brother Joseph was

—Continued on Page 14



**CIRCLE** shows grade crossing at Old Country Rd. where accident occurred, between Mineola and Merrill Ave. stations. Train reached X before it could be brought to a halt.



**GRIM TASK.** Called to identify the sprawled and broken bodies were relatives. Here, being questioned by Chief Medical Examiner Theodore J. Curphey (wearing hat) are Frank Kranglewitz (left), a brother-in-law of the father of Edward Kranglewitz; and Michael Lovasco, a cousin of Edward Kranglewitz Jr. Both Kranglewitzes were killed instantly.



working an involuntary overtime shift, was charged with second-degree manslaughter for failing to lower the gates. He said, “I wish I could commit suicide.”<sup>36</sup>

That crash showed why the Mineola crossing projects were indeed “of primary concern.” But because of Moses’ political victory, doing that work any time soon had become “practically impossible,” the Nassau county attorney told Newsday that day.<sup>37</sup>

It would take more than half a century and another catastrophic wreck before that Herricks Road crossing would be fixed. The Urban Avenue crossing where little Virginia died is part of the “Long Island Rail Road Expansion Project.” Construction is under way on that crossing now, almost 80 years after her death.



Mineola’s deadly Herricks Road crossing in 1939, two years before its first major accident. On the right is the hut for watchmen tasked with lowering the gates. In the pasture behind it is a sign offering 7 acres zoned commercial/industrial. © Estate of Frederick J. Weber. Courtesy of the Queens Borough Public Library Archives, Frederick J. Weber Photographs

### 3. Sore Spots

Newsday continued its campaign for more trains, more express trains, and more double-decker trains.<sup>38</sup> Penn Station was “employed to capacity” at rush hour, the LIRR protested in 1941;<sup>39</sup> and its Main Line was still electrified only as far as Mineola. After World War II, the ramshackle railroad’s financial woes multiplied as commuters fled into automobiles. A 1947 blizzard led to the deaths of several passengers stranded on trains; a catastrophic collision in 1950 killed 79 people, and another killed 32 the next year. The LIRR entered five years of bankruptcy protection.

It was then that the Nassau County Transit Commission, formed to study the LIRR’s problems, highlighted the need for an express track on the Main Line as one of seven categories of “inadequacies requiring immediate relief” in January 1949.<sup>40</sup>

But adding a track had just become a whole lot more complicated: Powered by the G.I Bill, Long Island’s postwar suburban boom was pouring families into all that farmland along the Main Line.

The only pre-war home adjoining the tracks on Albertson Place in Mineola, for instance, dates to 1937. Next to it is a row of 26 tidy Cape Cod-style homes built in 1946, and another line of 20 homes built in 1950.<sup>41</sup> On these two blocks alone, that was 46 new residential households for which any track work to come would be, quite literally, in their backyard.

When the LIRR emerged from its bankruptcy, the state legislature approved a 12-year, \$65-million rehabilitation plan that exempted it from several taxes and debt repayment and allowed it six fare increases by 1966. (Fares tripled in those

20 years after the war, while ridership dropped by 36 percent.<sup>42</sup>) That \$65 million helped refurbish and replace rolling stock, but it wasn’t enough to do more, and was peanuts next to the sums being spent to cater to the automobile, at a time when the LIRR had been recognized as the busiest commuting railroad in the world.<sup>43</sup>

Moses was presiding over toll revenues from the Triborough Bridge and Tunnel Authority that gave him borrowing power of almost \$500 million.<sup>44</sup> He himself had argued the LIRR’s best hope was as part of a “Long Island Transit Authority.”<sup>45</sup> But he refused to divert Triborough’s money to shore up deteriorating mass transit, despite the pleas of the Regional Plan Association and other leaders for balanced investments in infrastructure.

“Bailing out busted, lazy and backward private enterprises is (not) the business of government,” Moses said.<sup>46</sup> Instead, he convinced the Port Authority to combine its borrowing power with that of his own agency to launch a vast 10-year bridge-and-highway building program, chasing the 90-percent federal match that began flowing in 1956 for the Federal Interstate Highway System.

In the decade between 1955 and 1965, while the LIRR spent the state’s \$65 million subsidy upgrading its most run-down stations and equipment, Moses’ Triborough Bridge and Tunnel Authority was pouring \$755 million into building the Throgs Neck and Verrazzano bridges, the Clearview Expressway and extensions of the Cross Bronx, Sheridan and Bruckner, and much more. And then there was the Long Island Expressway, begun in 1955, which would prove the

## Transit Board Lists 7 LIRR Sore Spots For 'Speedy Relief'

Mineola—Seven sore spots in Long Island Rail Road service which demand “immediate relief” were listed today by the Nassau County Transit Commission.

January 7, 1949 © Newsday

pre-eminent pile-driver for suburban sprawl in the six decades to follow.

“It becomes imperative to use the railroad more intensively in order to assist in the growing traffic problems of the Island,” the Nassau County Planning Commission pleaded in 1963, urging investment in major improvements, including removing grade crossings and adding a third or even a fourth track on the Main Line.<sup>47</sup>

But Moses assured Congress: “There is little need for an expansion of railroad commuter facilities in the New York metropolitan area.”<sup>48</sup>

So the missing third track between Floral Park and Hicksville, an inadequacy that experts had agreed required “immediate relief,” was left unbuilt during the greatest transportation building boom in New York’s history.

**The Nassau County Planning Commission pleaded in 1963, urging investment in major improvements, including removing grade crossings and adding a third or even a fourth track on the Main Line.**

PART II

# The "Bottleneck of Long Island:" 1966-2000

## 4. Ronan's Grand Design

By the time the LIRR emerged from its trusteeship in 1966, Gov. Nelson Rockefeller had reluctantly agreed its survival depended on a state takeover - and that at least some of the needed funds should come from the auto tolls that Moses had so zealously hoarded.

Moses' ambitious 10-year highway building program was completed, and his power was on the wane. Regrets were starting to set in about the price being paid by communities for the aggressive highway projects and the decay that had been imposed on transit. A new Metropolitan Commuter Transportation Authority was formed to take over the

LIRR; it would merge with the Triborough Bridge and Tunnel Authority, to become the Metropolitan Transportation Authority, and it would be chaired by the governor's most trusted aide, William Ronan, starting in 1968.

By the mid-1960s the LIRR's on-time record was

so poor that the chairman of the Nassau County Mental Health Board would announce the discovery of a "commuter syndrome," which he defined as "a mild state of chronic stress resulting from in-

ternalized rage and frustration due to the uncertainty of disrupted schedules."<sup>49</sup>

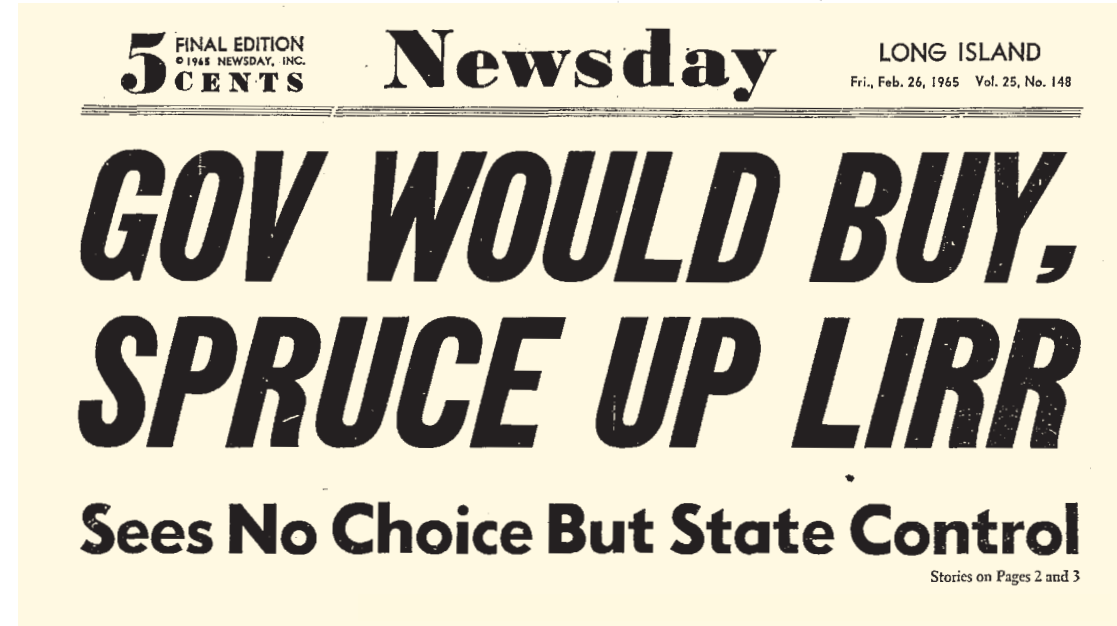
Walter Schlager, who served as president of the railroad from 1969 to 1976, felt a similar frustration, recalls one of his successors in the job: how hard it was to keep his trains running on time when hundreds of trains on multiple branches had to be funneled onto just two tracks, and one stalled morning train could ruin the whole day's schedule.

"The Long Island Rail Road is the most difficult operating agency within the MTA family, I can tell you that from personal experience," said former MTA chairman Thomas Prendergast, who ran both the LIRR and the much larger NYC Transit. Prendergast remembers Schlager complaining about the same thing: "The fact that you have seven branches feeding a main line, where you've got to insert these trains into specific time slots, is far more demanding...There's not much that it takes to tip the apple cart."

But for the first years under the MTA, Ronan's most urgent priority was establishing a minimal state of good repair, replacing decrepit rail cars and failing signals, recalls Mitch Pally, a longtime former MTA board member who served as staff to the state Senate's transportation committee in the 1970s.

Vowing to make up for decades of "do-nothingism," the governor's picked man lost no time mapping the scope of the new authority's ambitions with

© Metropolitan Transportation Authority



© Newsday

a "Program for Action" that included a subway line on the Long Island Expressway, and extensive modernization of the LIRR, including rail links to the East Side, Kennedy Airport and Lower Manhattan.

Already, the state had purchased 270 new, 100-mph M1 electric rail cars for the LIRR that the MTA intended to "serve as a prototype for a new level of fast, comfortable and attractive service." New high-level platforms would be built to reach them, and electrification would be extended as far as Huntington.

The commute from Great Neck to Manhattan would be cut from 28 minutes to 16, Ronan promised. From Hicksville, from 47 minutes to 22.

"Nobody on Long Island seems to believe it," Ronan lamented in a joint legislative committee hearing at Hofstra University in January 1968, confronting stony-faced local officials.<sup>50</sup>

Ronan was passionate about improving the commuters' experience, but he was an academic by training, and these

were promises the railroad could not keep, which only added to the general cynicism.<sup>51</sup> Eventually these expenditures would result in more trains and better service. but the introduction of the new M1 cars was met with a spate of delays and cancellations in 1969 as engineers struggled to master the new equipment.<sup>52</sup>

**By the mid-1960s...the Nassau County Mental Health Board would announce the discovery of a "commuter syndrome," ... "a mild state of chronic stress resulting from internalized rage and frustration due to the uncertainty of disrupted schedules."**

"MTA Mini-Maids" were deployed for about five years after the MTA's formation to build morale and boost the railroad's image with the public.

© Hank Boerner



But the immediate reason for Ronan's cool reception in 1968 was the MTA's modernization program, which also included plans for elevating the rails for a series of grade-crossing eliminations the railroad considered critical to improving speeds and improving vehicle traffic flow and safety. Though news coverage of those hearings does not mention a third track, it was likely part of the plan. "The railroad's position when I was there was, yes, we'd love to eliminate the grade crossings, they're a major headache for the MTA, but we're not going to do it unless we can build a

third track," said Andrew Sparberg, a manager at the LIRR from 1982 to 2007 and author of *From A Nickel To A Token*, a history of the MTA.

But it was the elevation of the tracks that drew bipartisan ire from residents of Mineola, Williston Park and East Williston. Local officials had mounted strenuous opposition to what they feared would either be a "Chinese Wall" cutting their communities in two or, if tracks rose only at crossings, a "nightmarish Salvador Dali landscape."

"Hazards will be removed, true," North Hempstead's then-supervisor, Sol

Wachtler, said in a speech for a legislative hearing, "but the seeds of new ghettos will be planted."<sup>53</sup>

Wachtler's argument was precisely the one voiced by Robert Moses three decades earlier, when he had pushed the LIRR to remove 21 grade crossings in Brooklyn and Queens: When the railroad agreed to elevate the tracks, Moses called that approach "ridiculous" and contended he knew the LIRR was "bluffing," because, he told the *New York Times*, everyone knew that elevating the tracks, while cheaper, would "destroy the neighborhood."<sup>54</sup>

The village of Mineola wanted its tracks depressed in an open cut, below grade, the approach similar to that taken in the pleasant North Shore downtowns of Great Neck and Manhasset.

**M**ineola was determined to fight for its vision of its own potential - and for property values. This was, after all, the county seat of Nassau, home to some of the most affluent zip codes in the nation. But there also was pressure to act from the county itself, whose workers were trapped daily behind crossing gates that were down  $\frac{3}{4}$  of every rush hour, leaving lines of northbound traffic snaking around the corner along the east-west artery of Old Country Road.

"At 5 p.m., Mineola was gridlocked," said John Spellman, who served three decades as Mineola village attorney.

The Nassau County Planning Commission developed its own plan that, like the one Moses pushed through on the LIRR's Atlantic Avenue branch,



Great Neck, left, and Manhasset, right, have tracks depressed below grade level.  
©Kevin Wong, RRPictureArchives.net ©John Levai, RRPictureArchives.net

The LIRR track area near 2nd St. and Willis Ave. in Mineola, an area that village officials wanted the state to put below grade and cover with a tree-lined mall. "The railroad used it for storage, and just about anything could turn up there," noted photographer Tom Beckett, who took this shot in November 1987. ©Tom Beckett, RRPictureArchives.net



involved running the tracks through a tunnel. Nassau's vision called for a transportation center on top, and a new downtown Mineola "business center" with broad, tree-shaded walkways and a central mall.<sup>55</sup> Mineola might then be as gracious a downtown as Garden City, that Mecca for white-gloved shoppers next door.

Nassau's proposal didn't have the village's support and didn't go far, Spellman said. But everyone agreed that Mineola residents did not want to look like Floral Park just up the road, which had fought its own losing battle in the 1930s for below-grade crossings like Great Neck's, before acceding to the construction of elevated tracks in 1960.<sup>56</sup> New Hyde Park officials say their village also rejected elevated tracks at that time.

A frustrated Ronan warned the local officials that depressing the tracks would cost three or four times as much

as elevating them, making their proposal a non-starter that was only delaying the much-needed LIRR improvements.

"Don't hold us up," he begged. "...I urge that we emphasize the grand design - the major measures - for the conditions of our time and the prospects for the future demand it."<sup>57</sup>

But Long Islanders had begun to grow cool to "grand designs," after watching urban renewal schemes replace human-scaled neighborhoods, and Moses' men casually eradicate so many homes for his parkways, expressways and bridges.

Village officials filed thousands of signatures with the state's Public Service Commission, which tabled the elevation plan after a contentious hearing. Mineola's most powerful hometown ally, 7th District Sen. John D. Caemmerer of East Williston, filed five bills to block Ronan's effort. In May 1968, Caemmerer's legislation rescinded the \$14 million appropri-

tion to eliminate grade crossings.<sup>58</sup>

"...If the state does not wish to spend the money to do the elimination properly by means of a depression, then don't eliminate at all," Caemmerer said.<sup>59</sup>

So the LIRR focused instead on elevating the tracks along the Babylon branch over the next few years.

It was a discouraging time to be a rail-roader. Between 1950 and 1970, a period when the Nassau-Suffolk population grew by 269 percent, LIRR ridership dropped by 14 percent.

Labor tensions had reached a slow boil, erupting periodically in strikes, the worst of which, in the winter of 1972-73, would shut down the railroad for seven weeks and drive yet more commuters to swear off the railroad. In 1973, Long Island planners urged the state to take on a comprehensive overhaul of the LIRR into a speedy express line that would link a series of transportation

**Long Islanders had begun to grow cool to "grand designs," after watching urban renewal schemes replace human-scaled neighborhoods.**

hubs through the center of the Island.<sup>60</sup> But public support was weak: statewide transportation bonds failed in 1971 and 1973. In 1973, the strike drove LIRR ridership to its lowest point since World War I, at 57 million. Things were just as bad in the city subways. Ronan was getting death threats, and traveled with a body-guard.

In 1975, State Sen. Caemmerer asked to meet again with state transportation officials to reopen the subject of those grade crossings, a project he said "has been on the books for 20, 25 years." But he seemed to have changed his view. Local



Grade crossing, Mineola, November 1975. ©Tim Darnell, RRPictureArchives.net

firemen had complained to him about long delays getting to emergencies, caught in lanes of traffic at the crossings. The seven miles of track running through his district now contained the last stretch of track running through a densely populated section of Nassau that was not elevated, he told *Newsday*.<sup>61</sup>

Caemmerer seemed to be hinting he was ready to broker a deal. But the topic was moot; there was no money, the state said. The economy was in the tank and New York City was insolvent. The fiscal crisis forced the shutdown of the Second Avenue Subway project as well as the half-drilled tunnel that was to connect the LIRR with Manhattan's East Side, and most other big-ticket projects.

"Funding undoubtedly will reflect the impact of an austere economic period," the state's transportation commissioner said in 1976.<sup>62</sup>

By 1981, finances had improved. The MTA's chairman, Richard Ravitch, wrote a letter to the governor, lawmakers and the mayor of New York urging "that prompt action be taken to meet the increasingly desperate situation of public transit in New York: first, by immediately enacting the MTA's capital legislation; and second, by adopting a subsidy program to alleviate the impact on the fare of MTA's spiraling deficit."

Lawmakers duly gave the MTA power to issue bonds, and its capital program was born. And funding to study a third track for the Main Line was one of the items included in the first capital program in 1981. But the MTA's priority, at first, was to resume bringing the system into a state of good repair.

"Expansion projects took a back seat for the most part," Pally said. "Until the accident."



Rush hour at New Hyde Park, June 1986. Both trains are headed east: one for Oyster Bay, the other Hicksville. ©Tom Beckett, RRPictureArchives.net



Friends comfort each other after funeral mass for Gerald Mallick

## Friends' Farewell To Crash Victim

By Sylvia Moreno

New Hyde Park—Self-conscious and sad, three friends of Gerald Mallick stood in the sun-streaked sanctuary of Notre Dame Church yesterday and bid their personal farewells.

"We just wanted everyone to hear how we felt about him and what he really was like," said John Macri, a friend since childhood. He, Suzanne Wiseman and John Macchia read short self-styled prose and poems that spoke of remembering and of loving Mallick.

"You once said that I would never get rid of you . . . but now we must go our separate ways," Miss Wiseman said.

Mallick's was the sixth funeral Macri had attended this week. It also was the last for the victims of Sunday's railroad-crossing accident that killed nine teenagers and critically injured another.

"It's really been pretty hard," Macri said.

The funerals are over, but the hurt remains—not just for friends and relatives of the nine victims, but for strangers, too, like the elderly woman who attended yesterday's funeral mass and had never even spoken to the 18-year-old Mallick. "I only saw him a few times walking in front of my house, but you remember him for that," she said. "It was just in my heart to come."

Two federal investigations into the accident are continuing. Nassau police have closed their investigation, which showed that the van had veered around the protective gates of the railroad cross-

ing at Herricks Road in Mineola and into the path of a Long Island Rail Road diesel locomotive going 65 MPH.

Toxicological tests conducted by the Nassau medical examiner's office show the person police believe was the driver, Joseph Grammas, had consumed enough alcohol—four or five beers—before he died to have classified him as driving while impaired.

Funerals were held Wednesday for Grammas, 19; Daniel Barrick, 19; Peter Hodgson, 18; Christopher Ryan, 19; William Harte, 17; Stacie Lindon, 19, and Maureen Nolan, 17. Joseph Spinelli, 18, was buried Tuesday. The only survivor of the crash, Kathleen Caemmerer, 17, remains in critical and guarded condition at Nassau Hospital in Mineola.

Mallick, a hockey player since grade school, was appointed captain of the Oyster Bay Town Junior B All-Star ice hockey team three weeks ago.

He graduated last year from New Hyde Park Memorial High School, was studying architectural engineering at Nassau Community College and had applied to Notre Dame University for a job as a counselor at a summer hockey camp for youngsters. At the request of Mallick's parents, Gerald and Jennie, the Rev. John Budacovich placed a hockey puck on the altar during the funeral mass. Mallick was buried at Holy Rood Cemetery with his hockey stick and his No. 9 captain's jersey.

"Jerry wanted to be a professional hockey player," Macri said. "Hockey was his dream."

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### 5. The Accident

Sen. John Caemmerer died of cancer in February 1982, having risen to chair the Senate's transportation committee without being able to broker a way to eliminate Mineola's grade crossings that the community would accept.

"It would be easier to eliminate Mineola," MTA board member Robert Waldbauer later lamented.<sup>63</sup>

Five weeks after Caemmerer died, his 17-year-old daughter Kathleen barely survived a wreck at the Herricks Road crossing in Mineola, a train-car collision that claimed the lives of nine of her friends.

She was a passenger in a van carrying the teenagers home from a party on the early morning hours of March 14. The van had threaded its way around a lowered barrier to cross the tracks. An oncoming train, cruising at 65 miles an hour, slammed on the brakes, but the force of the impact hurled the van 150 yards. Thrown from the wreckage, in critical condition with a fractured skull and multiple leg injuries, Kathleen Caemmerer was the sole survivor.

This was personal: everybody knew these kids, or their parents, or knew someone who knew them, or had been among the shaken volunteer ambulance crews called to the scene. Shock

**This was personal: everybody knew these kids, or their parents, or knew someone who knew them.**



and horror spurred calls for immediate action. *Newsday* called it the worst motor vehicle accident in Long Island history. The National Transportation Safety Board investigated and concluded Herricks Road was the nation's most dangerous grade crossing.

The next year, Democratic Gov. Mario Cuomo budgeted \$70 million to eliminate Herricks Road and the five other grade crossings in Mineola - the same ones that had been scheduled for removal in 1941.

Lee Koppelman, executive director of the Long Island Regional Planning Board, said the project was coming none

too soon. The Mineola-Carle Place area, where so many roads and rail lines converged, "is the bottleneck of Long Island," he said, "and the situation is getting worse and worse."<sup>64</sup>

It was likely no coincidence that the Long Island Association and Regional Plan Association issued a detailed report just then, that once again called for a third track from Floral Park to Hicksville to allow expanded service to Suffolk County.<sup>65</sup> Suffolk's population had almost doubled between 1960 and 1980, and the public demand for better train service was intensifying.

And after all, the MTA had included study money for a third track in its first capital plan. For railroad planners, it made engineering sense to do both types of work at the same time. And sadly, it had all too often taken a tragedy to get important track projects funded.

But news of the \$70 million, greeted with tears of relief by some in Mineola,

merely reopened old wounds for others, because once again, the state's plan entailed elevating three miles of roadway.

"It's going to divide this town physically and emotionally," one resident warned, telling *Newsday* she'd sell her house and move out of state if the plan went through.<sup>66</sup>

Accident or no accident, if grade crossings were to be eliminated, Mineola residents still wanted those rail lines lowered.

"Mineola was a madhouse," recalls John Spellman, who was hired as village attorney in 1985 after village voters upset about the LIRR's plans narrowly ousted the sitting mayor and voted in Ann Galante, a more militant critic of the agency. Spellman coordinated the crowded hearings before an administrative law judge for the state DOT at Mineola High School, at which residents lined up out the door to reiterate their desire for tracks cut below grade. The railroad people tried to explain that those lowered tracks on the Port Washington branch are a maintenance and operational headache, because they tend to fill up with trash, to flood and to suffer outages when it rains. But a strong majority of residents were adamant.

"They didn't want an El," Spellman recalled. "They said, 'We came here to get away from the El!'"

The DOT judge approved the vocal residents' preference to lower the tracks - on condition they could raise the money. A memorandum of understanding was signed by the village, the DOT, the county, and the MTA.

It was going to take not \$70 million, but the unheard-of sum of \$180 million to

install the tracks 25 feet below grade, planners estimated. That depth was needed to accommodate "piggyback" freight, a condition of receiving the federal money, Spellman said. So the lobbying began for the extra \$110 million.

Another \$50 million was secured from Federal Highway Administration funds steered by the local congressman, Robert Mrazek. And the LIRR agreed to chip in \$50 million, so it could use the occasion to install a third track between New Hyde Park and Carle Place. Even a shorter stretch of passing track would offer huge improvements in reliability.

This, then, was the first time that the LIRR actually agreed to fund construction of a third track on the Main Line.

Then the president of the United States weighed in.

Ronald Reagan objected to Mrazek's appropriation, after his Office of Management and Budget concluded that lowering Mineola's tracks was a "wasteful, unnecessary and low-priority" use of federal money. Congressional Democrats ignored him.

"It'll be snowing in the South Pacific before this money gets cut," Mrazek retorted.<sup>67</sup>

**"Mineola was a madhouse," ... residents lined up out the door to reiterate their desire for tracks cut below grade.**



At a news conference in Manhattan's World Trade Center held to drum up support for the 'Rebuild New York' bond issue, Gov. Mario Cuomo, center, is joined by County Executive Peter Cohalan of Suffolk and Francis Purcell of Nassau, Mayor Edward Koch and Lt. Gov. Alfred Del Bello.  
© *Newsday*



Eastbound passenger train at the Mineola Blvd Bridge, 1972 © Paul Carpenito, RRPictureArchives.net

Finally, Nassau County agreed to come up with the last \$10 million, because it owned the decaying Mineola Blvd Bridge.

"This letter seals it," County Executive Tom Gulotta exulted in 1988. "The only thing left to do is start the work."<sup>68</sup>

But that funding only kicked off a new, multi-agency process to develop the actual plans. Spellman represented the village for 30 years in meetings with engineers from the MTA, the LIRR, the county public works department, and the state DOT. The challenge: how to dig a railway cut three trains wide and

25 feet deep through the heart of Mineola, without any significant disruption of commuter train service?

"Twenty engineers and me," Spellman recalled. "We spent a lot of time designing."

As planning progressed, "they called me in and said look, we have a problem," he recalled. There are two huge recharge basins next to the tracks near the Herricks Road crossing. Federal regulations forbade running railroad tracks below grade so close to a body of water. So they would have to find a separate solution for that crossing.

**A**nother three years were going by. The MTA put off funding the third track to its next five-year capital plan.<sup>69</sup> In 1990, the MTA released a new 20-year plan that listed a third track on the Main Line as one of three major capital projects it hoped to complete by 2011, along with East Side Access and a rail link to Kennedy Airport.<sup>70</sup>

And in 1991, the state had another unpleasant surprise for Mineola. The price tag to eliminate Mineola's grade crossings was not the \$180 million it had calculated, but \$342 million. Staff had underestimated the technical challenges, and inflation had raised costs. That threw the feasibility of the entire project in doubt, the state said, reviving its old, cheaper proposal to build bridges over the tracks instead.<sup>71</sup>

Mineola officials were furious. For the next two years, they refused to approve any work at all on the deadly Herricks Road crossing. They were convinced that if they allowed that single, above-ground project to proceed, the political pressure to lower the other five would evaporate.

"The entire project is important to the whole central Nassau area," Mitch Pally, then vice president of the Long Island Association, tried to assure residents. "Not only for vehicles, but for the railroad also. We want to see the entire project done." But residents were not inclined to trust such assurances.

"We had meetings you can't believe," Spellman said. Eventually, trustees relented after Spellman quietly warned that Mineola shouldn't play chicken with the state.

"It might be an allocation of money, but nobody's holding it in his pocket," he

said. The longer that big line item for their small village was listed in the budget, the more ways would be dreamed up to spend it, he warned.

In 1995, as if in confirmation, another president, Bill Clinton, tried unsuccessfully to axe the same funding Reagan had challenged. But at least work on the Herricks Road crossing was finally under way, at a cost of \$85 million, under a compromise that involved running the roadway under slightly elevated tracks. The state reaffirmed its plan to lower the tracks for Mineola's other five crossings, and village officials said they were breaking out the champagne.

But by the time the Herricks Road reopened as an underpass in 1998, the county's portion of the job had been designated a public hazard. The Mineola Blvd. Bridge had exposed rebar, loose bolts and so much concrete falling from its undersides that it had to be wrapped in netting.

Replacing that bridge without tackling the tracks first meant the end of the plans for which Mineola mayors and trustees had fought for over 40 years,

**That threw the feasibility of the entire project in doubt, the state said, reviving its old, cheaper proposal to build bridges over the tracks instead.**

**The Mineola Blvd. Bridge had exposed rebar, loose bolts and so much concrete falling from its undersides that it had to be wrapped in netting.**

Spellman knew. But the plans seemed to have been all but forgotten now that traffic was flowing smoothly and safely at Herricks Road, and the contentious public mood had eased. A generational shift was under way, one that was coming to embrace transit-oriented downtown apartment development that soon would become a Mineola signature.

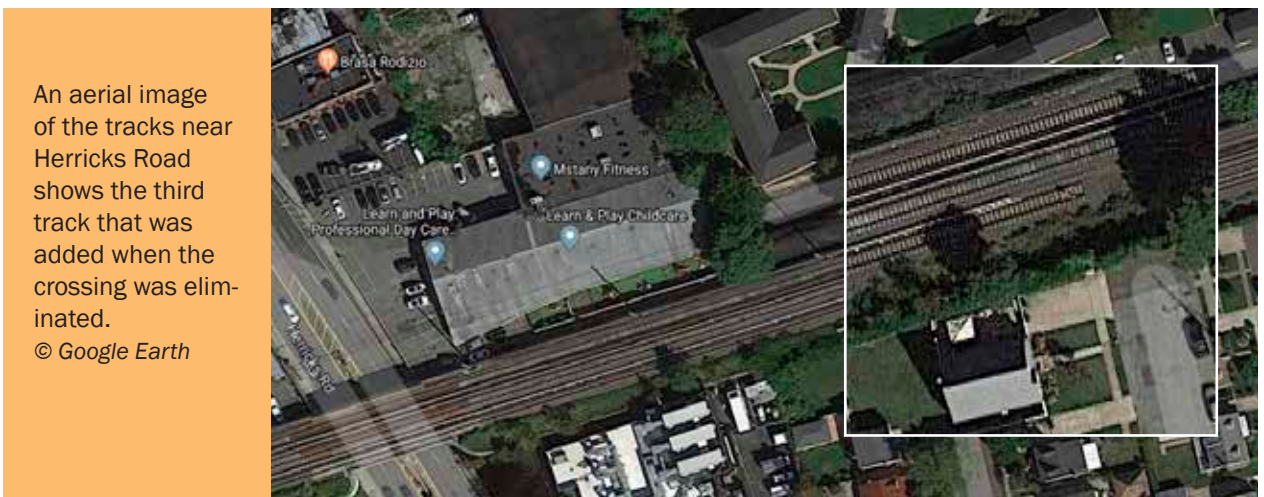
Why did Mineola get so little done? Had the state been slow-walking a project it didn't like all those years? "There was a great paranoia in the village," said Spellman, but he is convinced the planners' efforts were sincere, and said he has 200 cartons of drawings and correspondence to prove it.

Jim Malatras, a former senior Cuomo aide who now heads the Rockefeller Institute of Government, saw a similar dynamic play out with the 2005 third track effort, and says it's only to be expected when difficult projects are delegated to agency staff.

Mineola's decades of work weren't fruitless: its citizens had kept the "EI" out. Another crossing, Roslyn Road, would become an underpass in 2009. Both of those rail bridges were configured to



Mineola's two Willis Avenue grade crossings are to become an underpass as shown in this rendering.  
© Metropolitan Transportation Authority



An aerial image of the tracks near Herricks Road shows the third track that was added when the crossing was eliminated.  
© Google Earth

one day accommodate a third track, as was the Mineola Blvd Bridge. A half-mile stretch of a third track was even built into the south side of the Herricks crossing; it can be seen in Google Maps, and comes to an end about three blocks from the crossing.

As for the other four of the six grade crossings the state had promised to eliminate - first in 1941, and then in 1983: Three are included in the "Long Island Railroad Expansion" project now under way: Willis Avenue's two crossings are to become another underpass, while the Main Street crossing will be closed.

The sixth Mineola crossing on the 1941 and 1983 lists, Second Avenue on the less-traveled Oyster Bay branch line, will remain as is.



An Oyster Bay train crossing Willis Ave. in Mineola, July 1988. ©Tom Beckett, RRPictureArchives.net

**Replacing that bridge without tackling the tracks first meant the end of the plans for which Mineola mayors and trustees had fought for over 40 years.**



PART III

# Long Island At Risk: 2000-2015

## 6. Building Coalitions

By the turn of the millennium, work had begun on replacing the Mineola Blvd Bridge. Behind the scenes, momentum was unmistakably building to tackle a third track in earnest.

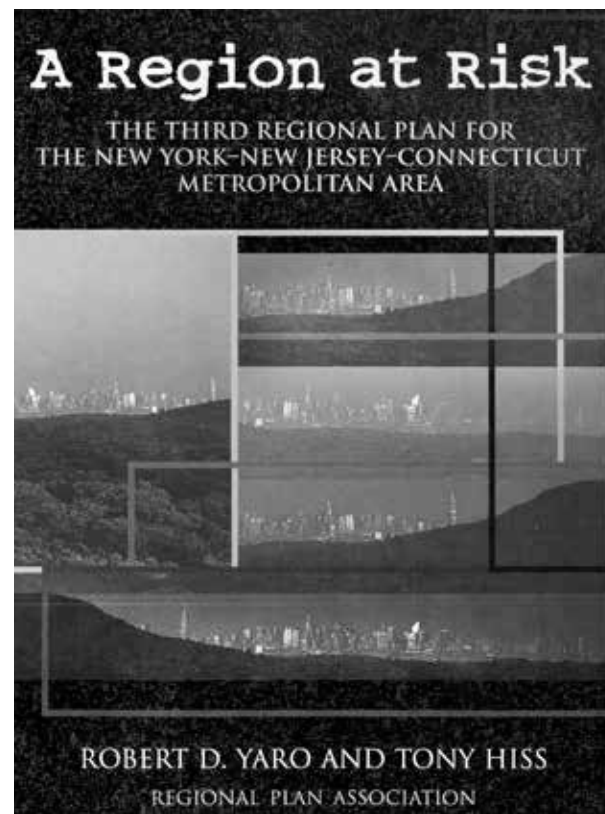
Its two indefatigable advocates were Regional Plan Association and the Long Island Association. In the mid-1990s, RPA ramped up its campaign to get funding for East Side Access, the tunnel connection to a new LIRR terminal at Grand Central Station, now seen as a needed economic boost for Long Island, which had begun to underperform the rest of the region in job creation and household income.

For decades, the large majority of job creation in the tri-state region had happened in the suburbs, notes Robert Yaro, who served as president of RPA from 1990 to 2014. But since 1990, the pattern had reversed itself - most jobs were being created in Manhattan.<sup>72</sup>

And while a network of revitalized regional centers in places like Stamford, White Plains, Newark and New Brunswick, N.J. had been generating new employment, "Long Island was basically just not well connected to the core of the region," he said. "There was no opportunity for reverse commuting, no opportunity to expand the inbound commute in the morning."

RPA's advocacy won the support of Governor George Pataki and Long Island's dominant political figure, N.Y. Sen. Alfonse D'Amato, who had risen to power as a Hempstead supervisor. D'Amato and Pataki, the last two Republicans elected to statewide office in an increasingly Democratic state, knew they owed their political survival to keeping the pulse of swing voters in the suburbs.

"They figured out that a large proportion of the people commuting on the railroad were Republicans and tended to be well-off voters, who voted in primaries,"



© Regional Plan Association



Willis Ave. crossing, Mineola, 2013. The train has stopped to wait for another one due from the Oyster Bay branch.

©Neil Feldman, RRPictureArchives.net

Yaro said. "So he and Pataki got behind this. You could argue it was for political reasons, but they saw that it was in the best interests of Long Island."

In 1998, the MTA began engineering studies for the East Side Access project, and Nassau County issued its first comprehensive plan, which called for both East Side Access and a third track.

The MTA's 2000-2004 capital program included \$10 million to study a third track, envisioned as a 16.5-mile, \$100-million segment from Queens Village to Hicksville. The agency launched similar plans for a third track on Metro-North's Harlem Line.

In 2000, the man with veto power over the third track project through his seat on the powerful Capital Program Review Board, GOP Sen. Dean Skelos of Rockville Centre, pronounced the third track plan "a win for Long Island," a project that would be crucial to the growth of intra-Island travel, reverse commuting and, notably, rail freight.<sup>73</sup>

Reverse commuting was gaining currency in economic development circles. "Smart growth" was becoming a thing. Across the nation, Americans were warming to public transportation.<sup>74</sup> Articles began appearing with regularity in support of a third track, including one by the Rauch Foundation's Patricia Schaefer.

"What a third track on the LIRR represents for individuals from the city to the East End is more choices: in jobs, places to live and ways of getting there," Schaefer wrote.<sup>75</sup>

**Reverse commuting was gaining currency in economic development circles. "Smart growth" was becoming a thing.**

**A**fter so many decades as the unloved punchline for commuting jokes, the Long Island Rail Road now held appeal to progressives as the green antidote to suburban sprawl. The railroad's on-time performance was improving<sup>76</sup> too, and ridership had been coming back: in 2000 it hit 84.7 million, its highest level in 50 years. A coalition was formed to fight against a plan by the state to widen the Long Island Expressway, arguing instead for the third track and other transit improvements.<sup>77</sup>

In September 2003, a new president took the helm at the Long Island Railroad: James Dermody, whose career at the railroad had started 45 years earlier as a ticket clerk in Massapequa.

"He knows that railroad backward and forward and inside and out," a leading union official said with approval. From his first media interview, Dermody named the third track as a top priority.<sup>78</sup>

In May 2004, another new group, the "Coalition for the LIRR Third Track," was launched by the Tri-State Transportation Campaign, the Long Island Progressive Coalition, and the Long Island Association. An LIRR spokesman confirmed the railroad was preparing to hire an engineer and had included funding in the capital budget for the project. The head of the commuter council called the project "sorely needed."

But while the MTA's executive director, Katherine Lapp, said she was "optimistic" the project would find funding, others warned of stiff community opposition, and at a time when there had been serious talk of saving money by merging the LIRR and Metro-North. Dermody's anxiety was not hard to detect.

"If we can get through the [environmen-

tal review] and get a ... decision, the only other drawback is the question of funding," he said then.<sup>79</sup> The railroad had applied for a grant from the Federal Transit Administration, Dermody said.<sup>80</sup>

Finally, in Sept. 2004, the railroad rolled out its new five-year capital plan, which included \$202 million for the "Main Line Corridor Improvement Project."<sup>81</sup>

It did not go well.



## Long Island Rail Road

### 7. Main Line Corridor Improvements

With its preliminary 2005 capital plan, released in July 2004, the MTA announced it was moving forward with what it called a "core investment" to prepare the LIRR for the increased rail traffic that would come with the start of service to Grand Central, then expected in 2012. The \$202.6 million would be spent on what it called "Phase 1" of that project.

What it proposed: adding a third track to an 11.5-mile stretch of the Main Line from Bellerose to Hicksville. Dermody noted this would allow expanded service for reverse commuters and accom-

modate increased freight traffic, taking some trucks off Long Island's congested highways. The project would also eliminate five grade crossings in New Hyde Park and New Cassel, and involve substantial station rehabilitation.<sup>82</sup>

"A total of eight roadway grade crossings exist within the project corridor. The Main Line Corridor Improvement initiative will evaluate the potential for five of the eight roadway grade crossings to be separated and/or closed as part of the future design of Main Line improvements. The remaining three are being addressed through a partnership of: New York State Department of Transportation (NYSDOT), MTA/LIRR, Nassau County and the Federal Highway Administration (FHWA).

The five roadway grade crossing being considered for separation and/or closure include:

- Covert Avenue in New Hyde Park;
- 12th Street in New Hyde Park;
- New Hyde Park Road in New Hyde Park;
- School Street in New Cassel; and
- Urban Avenue in New Cassel."<sup>83</sup>

In addition to life-saving safety improvements, the removal of these grade crossings would relieve extraordinary noise blight and chronic traffic problems. Federal railroad rules require a train passing through a grade crossing to blow its horn three times, and the Main Line carried 250 trains a day. At some of the intersections safety gates were down 24 minutes out of every rush hour.

It should have been a PR bonanza for the railroad, but from the beginning, Dermody's third track pitch was in trouble.

Two months before the Sept. 2004 roll-out, faced with a \$436 million budget deficit, the LIRR's parent MTA had begun floating the possibility of ending service completely on two of the LIRR's branches, raising fares, or imposing service cutbacks or layoffs. Those budget worries dominated the headlines. Federal support for capital projects, meanwhile, had been increasingly disappointing.<sup>84</sup>

Newsday's headline for the Sept. 2004 rollout story, set a tone of incredulity: "LIRR's \$2.4B solution/Despite fiscal woes at MTA, Long Island Rail Road seems set to spend billions on fixes, new rail yard and more."

Skelos, Long Island's representative on the state's Capital Program Review Board, had been an enthusiastic backer four years earlier, but now said he couldn't support the project, suggesting it was politically tone deaf in the current fiscal climate.

"There does not seem to be any coordination, what they are proposing in the capital plan and some of the things they

**It should have been a PR bonanza for the railroad, but from the beginning, Dermody's third track pitch was in trouble.**



## The meeting room at a local catering hall in Floral Park was jammed with hundreds of men, women and children bearing placards condemning the project. The mood was surly.

are saying on the operational side,” Skelos said, suggesting the agency should “prioritize a little better.”<sup>85</sup>

Notably, Pataki provided Dermody little visible support. To the bewilderment of MTA leadership and Long Island’s business and transit advocates, the governor the previous spring had thrown his backing behind an entirely different \$7 billion proposal to build a new, one-seat rail link to Lower Manhattan to promote its economic recovery from the Sept. 11, 2001 World Trade Center attacks.<sup>86</sup> That rail link became Pataki’s top transportation priority, one he pushed the MTA to spend on, and for which he pursued federal support with singular zeal, as allies suggested he had come to see the rebuilding of the Trade Center area as the keystone to his legacy as governor.<sup>87</sup>

“The question is, does the (lower Manhattan) rail link deserve to be at the head of the line?” asked Bettina Damiani, project director for Good Jobs New York.

As the LIRR’s engineering firm JMIRM-Harris was preparing the project for environmental review in spring 2005, Pataki and the MTA were engaged in a public battle over the size of the MTA’s budget. But the tension in Albany was

nothing compared to what was waiting for the railroad at its public scoping hearings on the third track plans in June 2005.

The meeting room at a local catering hall in Floral Park was jammed with hundreds of men, women and children bearing placards condemning the project. The mood was surly.

“It was a screamfest,” is how Helena Williams, president of the railroad from 2007 to 2014, summed up one meeting she attended. “Everyone was just yelling.”

Kate Slevin, now senior vice president of state programs and advocacy at Regional Plan Association, goes to public hearings for a living. In her experience, the 2005 meetings were uniquely horrible.

“Those meetings about the third track, the initial round, stick out in my mind as the worst ones I’ve seen,” said Slevin, who was there on behalf of the Tri-State Transportation Campaign. “I’ve never been, before or after that, booed by 10-year-olds for supporting a project.”

Gerard Bringmann, then chairman of the Long Island Rail Road Commuter Council, attended a hearing in Mineola and discovered he was the only one of hundreds present who spoke in support of the proposal. “They really got wound up,” he said.

The opposition had exploded with the speed of the Internet. Citizens Against Rail Expansion, (CARE) founded in Floral Park, rapidly claimed the support of 141 community organizations and elected officials. In Garden City, its counterpart was called RARE (Residents Against Rail Expansion). New Hyde Park residents founded a group called Save Our Village.

Before long, CARE had a network of 10,000 residents who signed a petition against the third track. It was little sur-

prise, but the worst news possible for the MTA came when CARE won the support of their state senators, Michael Balboni and Kemp Hannon, who lobbied to have the project removed from the MTA’s five-year capital program.

Bowing to the wishes of their colleagues, the Capital Program Review board that summer rejected the MTA’s five year capital plan, only agreeing to approve it with one unprecedented condition: that it exclude the third track project, which would have to come back for approval once the design phase was complete.

“The railroad has done a poor job of visioning this project as it affects communities along the line, but particularly Floral Park,” Mr. Balboni told the New York Times that July.<sup>88</sup>

Balboni had surveyed his constituents and noticed a striking phenomenon: In most communities, it was mainly those living very close to the tracks who were opposed to the project. But there was broad opposition throughout Floral Park.

“They hung together - they were unified regardless of their proximity,” said Jim Sherry, Balboni’s former chief of staff. In Floral Park, “people have fidelity to the community, and their parish, and their schools and their Little League. They have their little slice of heaven, and they’re going to fight like hell to defend it.”

Outsiders might better understand Floral Park’s reaction, opponents suggested, if they had lived through the trauma the village had experienced half a century earlier, the last time the state did major infrastructure work there.

Former mayor Tom Tweedy said he is just old enough to remember how bad

local traffic was before the state undertook to eliminate the village’s grade crossings by elevating the tracks onto a viaduct. During rush hour, waits at the crossings were so long, his mother passed the time by having the kids sound out words on street signs.

“She had to entertain five of us in the car somehow,” he said. “The first two words I learned to read were (the street names) CAROLINE and ATLANTIC.”

Floral Park had lost a battle in the 1930s to have the tracks depressed below grade rather than being elevated.<sup>89</sup> Now it accepted the wisdom of eliminating a source of both danger and daily traffic gridlock, and providing improved railroad service. But the job turned out to involve the taking of the houses at the end of every block bordering the tracks, just to provide space for a temporary track during the construction period.

During the same period, Tweedy recalled, the state widened nearby Jericho Turnpike a few blocks north. That entailed removing every business on the north side of that thoroughfare. Another agency, meanwhile, was tearing roads up for sewer lines, he recalled.

**“People have fidelity to the community, and their parish, and their schools and their Little League. They have their little slice of heaven, and they’re going to fight like hell to defend it.”**

**T**hat meant a boyhood with sand always coming out of his pockets; but local mom-and-pop businesses affected by the construction were hard hit. They “hung on by their fingernails,” Tweedy said, but many did not survive. “The kind of callousness that took place in the adverse eminent domain and the clear-cutting of buildings is still kind of reverberating 50 years later here,” agreed Dennis McEnery, a co-founder of CARE. “At one point Floral Park was 17,500 (in population), and now it’s pretty rock steady at 16,000 give or take... You ask, well, where were those thousand people? A lot of them were on Jericho Turnpike.”

Traffic in Floral Park did flow better and more safely than before. But Tweedy says trains stopped in their village less often, and at first, the new elevated platform could only be reached by climbing a long flight of steel stairs, so the elderly, disabled, and those with strollers had to travel elsewhere to board a train. Floral Park residents take their patriotism seriously, Tweedy said, but came to feel they had been played.

“We bore a tremendous burden,” Tweedy said. “Floral Park has done more than its fair share for the growth and development of Long Island.”

Even leading supporters of the third track project say the railroad mishandled both the substance and the optics of the 2005 project - no surprise, considering that the state’s top elected officials had delegated the politically sensitive project to MTA agency staff.

“I walked into one meeting, and there was a slide up (on the screen) with the definition of eminent domain!” said RPA’s Slevin. “You’re just going to make

people antagonized and upset if that’s how you are presenting that topic so early in the process... It wasn’t a great strategy.”

Arguments that seemed so compelling at regional business breakfasts, like attracting more reverse commuters from the city to compete for LI jobs, suddenly seemed a lot less attractive in front of an audience of LI residents. Many residents were virulently opposed to improvements that would allow more freight to travel on the line. And they didn’t trust the railroad to tell the truth about its plans.

For career railroaders, business and environmentalists, the idea of enabling more freight to move on the rail lines was simply responsible stewardship. It could reduce the deficits this commuter line had long imposed on its owners, and reduce prices for LI consumers and manufacturers alike. In the past, when the aerospace industry was a major employer, the freight lines had been far more heavily used - 74,000 carloads per year, compared with about 13,000 in 2000. And getting freight off the expressway was both safer and better for the environment.

But residents along the rail line saw it differently.

“We can all talk about the need for additional freight to take trucks off the road, but if that freight is coming through your backyard, you also want to know how it’s going to be offset,” said Jack Martins, then the mayor of Mineola.

Freight trains shake the earth as they pass, residents say, and it is not uncommon for them to pull off to a spur and stand idling, spewing diesel fumes and vibrations.



Afternoon freight RF-60 heads east under the Mineola Blvd. Bridge, ahead of the rush hour. March 1, 1977. The bridge has been rebuilt with higher clearances that could allow for larger freight trains to pass, notes Jack Martins, a former Mineola mayor and later state senator who was a vocal opponent of the 2005 third track plans. © Tim Darnell, RRPictureArchives.net

It had not gone unnoticed that when the Mineola Blvd. and Ellison Ave. bridges were rebuilt, they were elevated to a height that would allow larger freight trains to travel on the line, Martins said in a recent interview. In the public hearings, speculation abounded about what they might carry: Garbage? Toxic chemicals? Nuclear waste?

Making matters worse, the railroad’s representatives wouldn’t say which, or how many, homes and businesses would need to be condemned for the project. By the time they started to provide numbers, the opposition had already hardened.

“To this day, they have never shared detailed plans,” said one veteran of the third track effort. “They broached the subject in kind of an unprepared fashion... There’s nothing worse than uncertainty in a political environment.”

Even Dermody’s efforts at outreach backfired. Tweedy, then a village trustee, remembers the railroad president and other officials coming to the village to discuss the planned changes -- in a chauffeured car. The mayor wondered, why couldn’t they take the train?<sup>90</sup>

Bellerose Mayor Donna Sherrer said the presence of an MTA attorney at the hearings struck residents as adversarial, which only served to heighten the tension in the hearings.

**The railroad’s representatives wouldn’t say which, or how many, homes and businesses would need to be condemned for the project.**

## He couldn't understand why residents were so upset about something that, to his mind, promised them so many benefits.

"People were not happy, and obviously expressed their unhappiness," she said.

Tweedy said he was both horrified and insulted to see MTA K-9 officers approaching the meeting hall before one of the later scoping hearings, as moms with strollers and small children were entering the building. The sight of the police dogs set off a heated confrontation between Floral Park and MTA police, before the K-9 officers finally withdrew, Tweedy said.

The night Gerard Bringmann of the Long Island Rail Road Commuter Council found himself the only supporter of the project at an emotional Mineola hearing, he couldn't understand why residents were so upset about something that, to his mind, promised them

so many benefits. But he was equally confused when MTA officers insisted on escorting him to the Mineola train station afterward, and even waited on the platform until he boarded the train.

"I was like, are you guys serious? They were overreacting," Bringmann said. "...I never felt unsafe."

As newspaper headlines accumulated about villages standing up to the powerful MTA like David vs. Goliath, Bellerose officials were busy devising the municipal version of a poison pill. In December 2005, that village adopted an ordinance allowing them to give landmark status to the village hall and two other Tudor-style buildings bordering the railroad tracks.

"Anything that slows this (Third Track) plan is a positive," trustee Thomas Ryan told *Newsday*. "If we can throw a wrench in the railroad's plans, so much the better."<sup>91</sup>

When the railroad submitted a revised version of the plans to the Federal Transit Administration a little more than two years later, Bellerose was excluded.

## 8. 'At Least He Got It Done'

By early 2006, the battle lines were pretty well drawn.

The business community, led by Long Island Association President Matthew Crosson, had joined with the region's unions to push for the third track project, along with *Newsday* and the major planning and transportation groups.

In vocal opposition were the mayors and civics of the Main Line region. Siding with the mayors were the area senators: Kemp Hannon, Michael Balboni and Dean Skelos.

Traditionally, Long Island's nine Senate seats had been held by Republicans who formed a caucus and voted as a bloc. That gave them enormous sway over all action by the Senate, because they effectively granted each other veto power over any proposal affecting their district. Long Island's Republicans held the key to Republican control of the Senate.

The senators had learned from experience to listen closely to their mayors. And the mayors were "unalterably opposed to it," says Ernest Strada, Westbury's mayor in 2006, one of the longest-serving and most respected mayors of his era. It was the magnitude of the takings, he said. "They had not engineered it to the extent it's been engineered today...The state knows we are not a community to be buffaloed or toyed with."

Strada was referring to Westbury's battle with the state Department of Transportation in the late 1980s over the state's project to widen the Northern State Parkway, a plan that would have routed traffic through the village and deleted two parkway bridges relied on by residents. Westbury took the state to court,

and won. That was a section of the parkway that Robert Moses had famously detoured three miles to avoid wealthy estates, while ignoring a family farmer's pleas not to build it straight across the center of his acreage.<sup>92</sup>

Mindful of resident concerns, Balboni was urging the railroad to focus on grade crossings and forget the third track. ("The MTA doesn't have enough money to do both, and the grade crossings have to take priority," he said.)<sup>93</sup> Nassau County Executive Tom Suozzi was urging the railroad to fit the project inside its own right of way.<sup>94</sup> And the governor was still focused on lower Manhattan and his competing rail link.

The Long Island Association seemed to score a coup that winter when they teamed up with union officials and Balboni, promising to back an affordable-housing measure Balboni was trying to get through the legislature if he would support the third track. But their announced "memorandum of understanding" backfired when the LIA and Long Island Federation of Labor vowed to withhold money and support from any state lawmaker who failed to back the two measures.

"It hadn't been done before," federation President John Durso recalled. "These two issues were essential to the future of Long Island, and if you weren't going to support them, we weren't going to support you."

That led to what Durso describes as a "spirited discussion" with Senate Republicans. Skelos, then the deputy majority leader, was furious, saying the threats had crossed an ethical line, and that no senator would be authorized to back the rail project until environmental studies were finished. He refused to

A freight train working the siding at New Hyde Park in 1988. "He'll spend 30 minutes going back and forth before getting everything placed and pulled," noted photographer Tom Beckett. © Tom Beckett, RRPictureArchives.net



give up his leverage to protect residents near the track, saying the MTA was often “very insensitive.” The mess sent Balboni furiously backpedaling: “It’s a ham-handed approach,” he said in 2006 of the LIA’s announcement. “I wouldn’t have advised it.”<sup>95</sup>

That spring, New York’s future governor, Attorney General Eliot Spitzer, heartened third track proponents when he promised to throw the power of his office behind the project, calling it “a critical part of the region’s future transportation plan.” Spitzer also signalled he would drop Pataki’s distracting quest to build a high-speed rail link to Lower Manhattan. Spitzer’s aggressive pursuit of enforcement action against abuses in the securities industry had given him a national profile, and he was expected to be equally bold as governor.

“Parochial interests in the New York State Senate currently are blocking a decision on the Third Track,” Spitzer told RPA members in a speech that May, in a dig at Skelos. “Too many timid political leaders are engaging in classic avoidance behavior.”

Spitzer suggested he’d rather imitate the hard-driving Robert Moses, saying Moses’ epitaph should be: “At Least He Got It Done.”<sup>96</sup>

**A teenager...whose blood-alcohol level was nearly three times the legal limit, fell through a gap between the train and platform.**

**B**ut the third track project’s momentum would first take another jolt.

A teenager visiting from Minnesota, whose blood-alcohol level was nearly three times the legal limit, fell through a gap between the train and platform at the LIRR’s Woodside station in the early-morning hours in August, and was killed after she crawled into the path of an oncoming train. Within a few days, Newsday reporters had measured similar gaps as large as 15 inches at stations around the system.

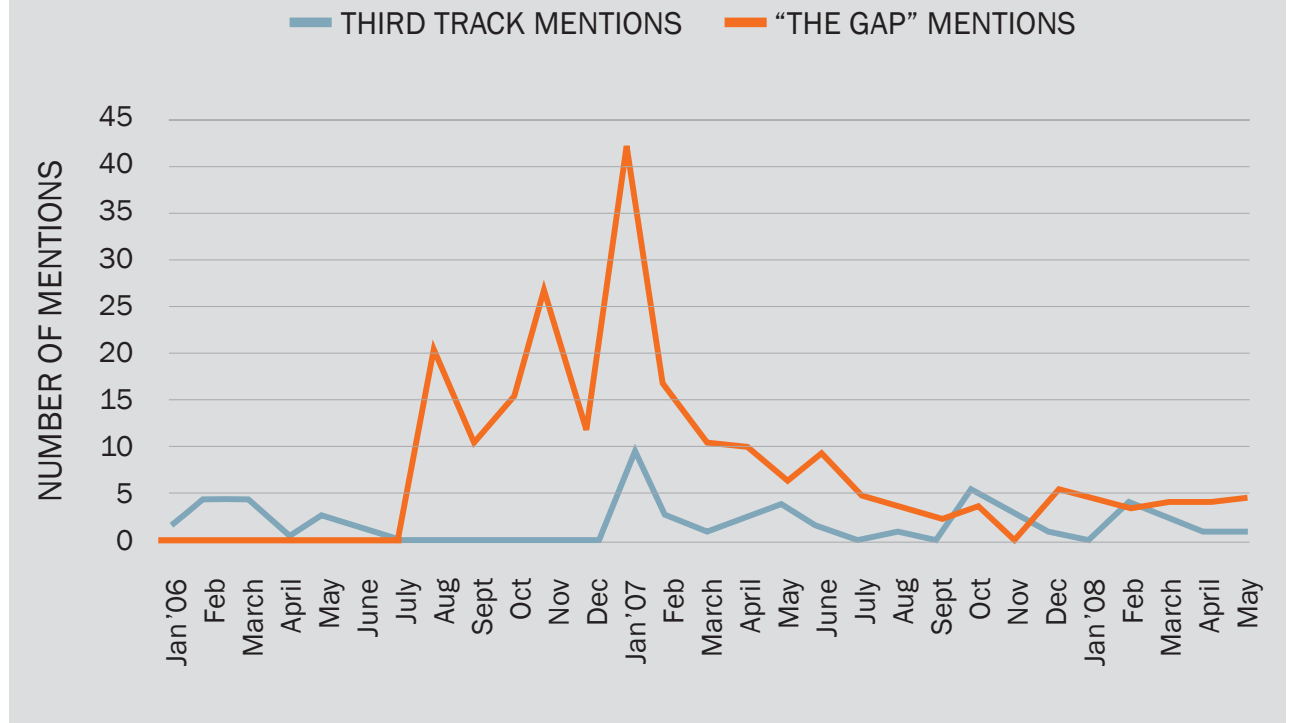
The newspaper launched an intensive investigation, similar to the approach taken by the Boston Globe reporters depicted in the movie “Spotlight,” whose shoe-leather probe of the Boston Archdiocese’s protection of abusive priests had won that paper the Pulitzer Prize for public service three years earlier. Over the next six months a team of up to 11 Newsday reporters fanned out to explore the unreported history of the gap problem. The reporters found records of some 800 gap-related incidents in the previous 10 years, and documented 30 years of rider complaints and lawsuits.<sup>97</sup>

The railroad’s leadership dismissed that history as “overwhelmingly, minor incidents,” but it was compelled to make the problem an urgent priority. Spurred by Newsday’s gap coverage, the railroad undertook an emergency \$9.4 million project to install threshold plates to fix the problem.<sup>98</sup> The paper was a finalist for the 2008 Pulitzer Prize for public service.<sup>99</sup>

Newsday’s intensive focus on the LIRR platform gap coincided with an abrupt decline in coverage of the third track proposal, which went unmentioned for the remainder of 2006.

### Third Track vs. “The Gap” LIRR Coverage in Newsday

Jan. 2006 – May 2008



Data Source: Proquest

The editorial page had designated grade crossing removal and express rail service as top priorities from its first days of publication in 1940. But from August 2006 until 2008, an intensive governmental effort to achieve those things was cast into shadow by the gap. Even without such competition, stories about debate over a track modernization project held little obvious potential as clickbait.

During this period, planners quietly worked to revise their project in response to the objections of residents and officials. In October 2006, Dermody retired as LIRR president. The next month, Spitzer was elected governor.



New warning sign, 2008  
© John McCluskey,  
RRPictureArchives.net

## 9. Losing the Battle

Spitzer took office promising to tackle the “megaprojects,” but the MTA also faced a \$1 billion deficit.

He began by trying to weaken the Republicans’ grip on the Senate. He appointed Balboni as homeland security czar, throwing his support behind a Democratic county legislator, Craig Johnson, who won that open seat in the resulting special election. But Republicans made the third track a central campaign issue, and Johnson soon declared himself an opponent as well.<sup>100</sup>

By the time Helena Williams took over as president in June 2007, railroad officials had shrunk the project from 11.5 to 10 miles, starting it in Floral Park rather than Queens Village.<sup>101</sup>

Williams, a Garden City resident and affable neighbor to many of the projects fiercest critics, held more than 40 meetings with officials and civics, and worked closely with engineers to try and reduce the project’s impacts.

“They were going to take out about 20 properties in New Hyde Park, and among them a number of single-family homes,”-- just to provide a temporary grade crossing during construction, recalled New Hyde Park Mayor Lawrence Montreuil, who was then a trustee.

“Helena was very patient with us,” he said. “As we came back and said, ‘why can’t you do this?’ she would go back to her engineers and come back with a technical explanation.”

Over time, though, the number of properties affected by the tracks was lowered from 197 to 80, then 72. Takings for the grade crossings were whittled down from 52 to between eight and 19. Only two homes would be entirely taken, the railroad now told residents; most homes would be affected by less than five feet.<sup>102</sup>

By the time the railroad submitted its preliminary draft environmental impact statement to the Federal Transit Administration in February 2008, its informational Power Point had dropped all

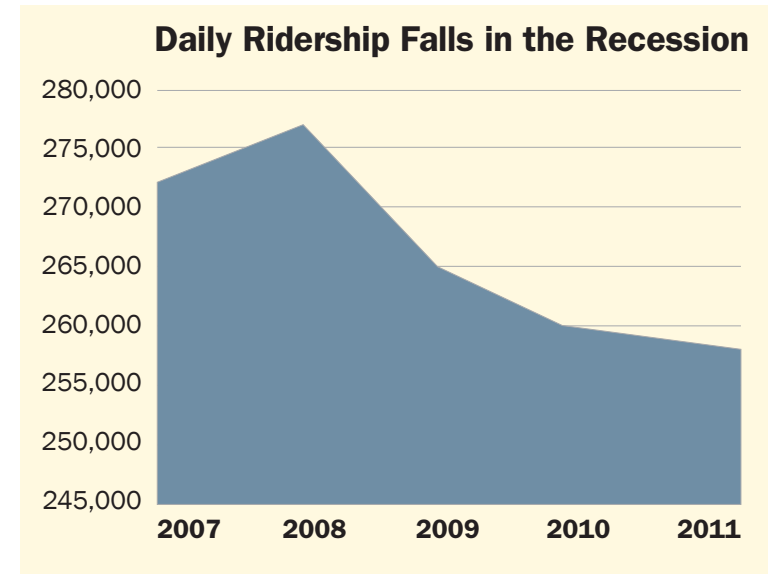
mention of increasing freight capacity or reverse commuting. Instead, it emphasized reliable and frequent service to both Penn and Grand Central, as well as safety, intra-Island service, and supporting Long Island’s economy and housing market.

None of this was proving any more persuasive with opponents, however. And events had turned against the project: In March, Spitzer abruptly resigned amid a prostitution scandal. His successor, David Paterson, would show little interest in the project. The collapse of the nation’s subprime mortgage industry was triggering a financial-sector meltdown that would usher in the Great Recession and send ridership into a slide. But what MTA officials worried about were the huge shortfalls on the Second Avenue Subway and East Side Access projects.

Williams learned just how pressing that problem was after she filed the LIRR’s proposed interim capital program with MTA chairman Elliot Sander in the early spring of 2008, including the third track as they had planned, and adding \$1 billion in its estimated costs. When the finalized program was announced that summer, the third track and that \$1 billion had been deleted. East Side Access, which had been the spur for the third track all along, was by then years behind schedule, although the federal stimulus program would provide badly needed funds to keep it going.

“It became clear to me that I was not going to get the third track done,” recalled Williams, now chief deputy Nassau County executive. “Why am I going to go pound all these neighborhoods and all these local officials for meetings about something we can’t fund?”

In the state Senate, meanwhile, Demo-



Data Source: MTA, Long Island Rail Road

crats had taken control. To shore up MTA finances, they approved a commuter tax that infuriated suburban voters. Democrat Craig Johnson, well aware of the political price he would pay for supporting the measure, demanded in exchange the chairmanship of the Capital Projects Review Board, giving him the power to block funding for the third track.

So far had the project’s political fortunes sunk by this point that even an attempt to insert mention of it in unfunded, conceptual form into the 2010-14 capital plan met with blistering criticism.<sup>103</sup> The finalized plan dropped all mention of it. Hempstead Supervisor Kate Murray gathered with local officials at the Floral Park train station to celebrate the victory.

**“Why am I going to go pound all these neighborhoods and all these local officials for meetings about something we can’t fund?”**



Nassau village officials on an unsuccessful 2018 trip to the Federal Transit Administration’s lower Manhattan office to see the preliminary draft EIS for the third track project. An official showed the group several banker’s boxes, but would not permit them to be examined.  
Tom Tweedy photo

“This is still America, and the will of the people will always eventually prevail,” CARE president Bill Corbett told the Floral Park Dispatch.<sup>104</sup>

A year later, Andrew Cuomo was elected governor on the Democratic line, and Johnson lost his Senate seat, defeated by Mineola Mayor Jack Martins, a third-track opponent who had attacked Johnson’s vote on the commuter tax.

But Williams had not entirely abandoned the third track project. Instead she shifted her effort to incremental, noncontroversial steps toward the same goal: Finally finishing, in 2009, the Roslyn Road crossing in Mineola that had been promised since 1983, but building space for a third track into it. Making sure space for a third track was designed into two railroad bridge replacements, at Westbury’s Ellison

Avenue, completed in 2016, and Post Ave, which reopened in 2017. She called it her “stealth third track” work.

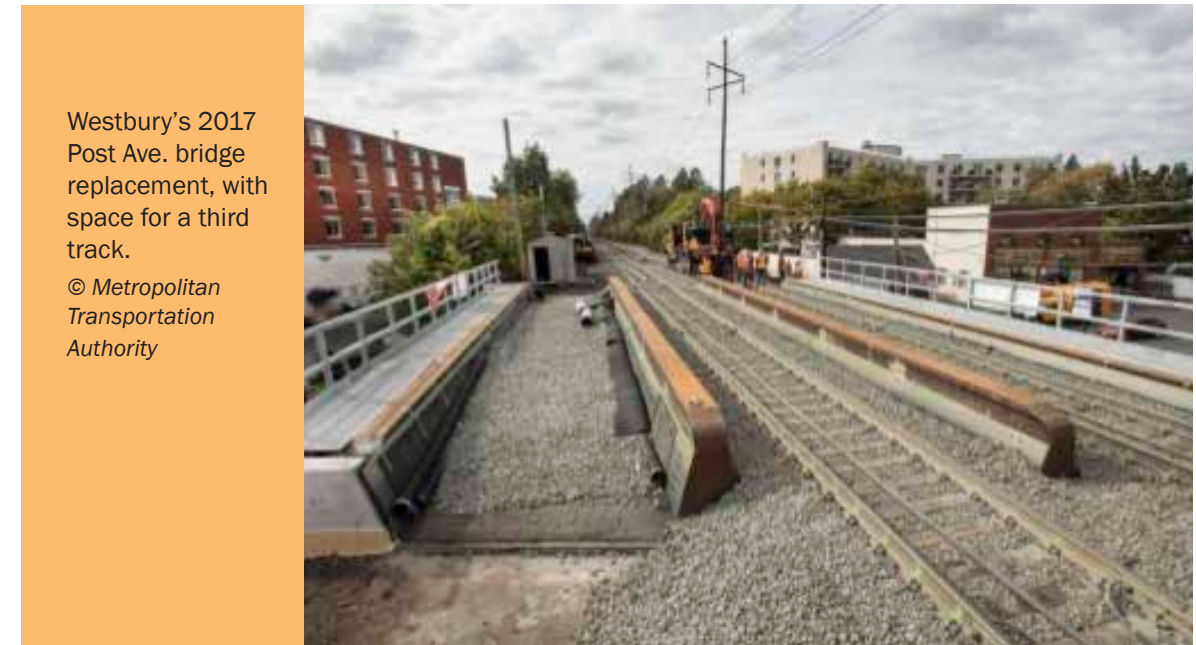
“Once there was no funding for the third track in the capital program and it didn’t make any sense to continue talking about it, I didn’t talk about it anymore,” Williams said. Instead, she took on the Double Track expansion project from Farmingdale to Ronkonkoma, which opened in September 2018, dramatically increasing the railroad’s capacity to serve Suffolk County. That project was legally, politically and technically much easier, and involved no takings.

Second Track was anything but a third rail in Suffolk County, Williams said: they “loved it, welcomed it, wanted it.”

She got that right, to judge from the turnout for the ribbon cutting.



Second Track ribbon cutting and Wyandanch station rededication, September 2018.  
© Metropolitan Transportation Authority



Westbury’s 2017 Post Ave. bridge replacement, with space for a third track.

© Metropolitan Transportation Authority

## 10. Third Rail or Fast Track?

Five years of quiet ensued, but change was under way for Long Island.

Elsewhere in the region, in places like New Brunswick, N.J. and White Plains, in Westchester County, urban revitalization projects were booming, the RPA’s Yaro said. “Then you’d go to Long Island and stuff was just sitting there. It was astounding that we couldn’t make progress.”

Metro-North had completed its own third track, and thousands of new reverse commuters were riding it from the city to White Plains. It was working on a plan to send trains directly to Penn Station. Penn Station was already increasingly congested with expanding new connections from New Jersey Transit, Amtrak expanding its own service, and steadily climbing LIRR ridership.

But on Long Island, the third track had become a political third rail. When prodded, the MTA still told Newsday

it hoped to resume work on it in a few years. But Cuomo had had no exposure to the proposal, which had been abandoned before his election, and Long Island’s elected officials weren’t going to tell him about it.

“I really do tip my hat to the Rauch Foundation for resurrecting something that was dead,” said Dennis McEnergy, a co-founder of Citizens Against Rail Expansion (CARE) recently.

“I mean, this was literally like Frankenstein, you know -- it was DEAD. This should have been a once-in-a-generation fight.”

McEnergy and Yaro don’t agree on the third track, but they both believe the Rauch Foundation played a pivotal role at this point.

Rauch is a Long Island-based family foundation established with the fortune from an auto parts manufacturing business started by Philip Rauch in 1913. The foundation’s aim was to find places where focused philanthropy could have the most impact in shaping positive



**Long Island was losing young people at almost five times the national rate, because housing was unaffordable and commutes unmanageable.**



change, and much of its early work on Long Island was in early childhood and education projects. But foundation president Nancy Douzinas, a family therapist with training in systems theory, couldn't avoid noticing patterns in Long Island's political life that seemed to keep it from attaining its potential, despite a well-educated and prosperous population and many other advantages.

Taking cues from projects in Silicon Valley and other regions that had been effective in catalyzing progress,<sup>105</sup> Douzinas became convinced of the potency of fostering cross-sector collaborative relationships. So in 2001, Rauch established the Long Island Index to study the region's quality of life and the factors that might improve it, bringing together an advisory board of leaders from business, unions, nonprofits and academia who might not otherwise interact. One of the Index's first studies was an eye opener, pointing out that Long Island was losing young people at almost five times the national rate, because housing was unaffordable and commutes unmanageable. With an aging population and shrinking employment, the region's future outlook was poor.

Systems theory teaches you to build on your assets, Douzinas said in an interview, and it was clear that the railroad

was one of Long Island's most important ones. Transit-oriented downtowns, reliable and convenient rail service and more affordable housing were the key to the region's future.

"We understood the opposition (to a third track) from the local communities," Douzinas said. "But that they should determine what happens for the entire Island? It was such an obvious strength."

In February 2012, the Index's director, Ann Golob, and Douzinas met with the MTA's chief planner, the late William Wheeler, to compare notes on their demographic research on young people and employment trends on Long Island. But when Golob asked whether the MTA would recommend restarting the third track effort, he threw up his hands.

"He was talking about how frustrated they were with Long Island, where all good things were killed," Golob recalled. "He was ready to give up."

That convinced Douzinas that building community support for a third track was just the project for Rauch.

"That's what a foundation can do," she said. "That's what we can and should be: risk takers. Part of the strength of foundations is that they can speak truth to power, and they have a very strong convening capacity, because your agenda is - really, we hope it is for the good of society...I think we'd been doing all this long enough that people might have thought we were crazy, but they respected us."

So the next Long Island Index report was one by the Regional Plan Association. "How The Long Island Rail Road Could Shape the Next Economy" sought

to billboard the transformative impact upgrades to the LIRR could have for life on Long Island: Easier access to higher paying jobs in Manhattan and to Westchester. Commutes up to 42 minutes shorter. Boosted home values for 400,000 homes in the two counties. Less congestion and pollution.

The report was well received, but Douzinas also got a warning from Mark Lesko, then head of Accelerate Long Island, a nonprofit working to promote research entrepreneurship.

"He said, what you've done is good," she recalled, "but if you drop this issue, you will have done nothing."

So the Rauch Foundation sponsored a second report, this time a 2014 eco-

nomic analysis by HR&A Advisors and Parsons Brinckerhoff that came to an eye-opening conclusion: A third track would add \$5.6 billion to Long Island's economy, as well as 14,000 jobs and 35,000 residents, largely because of reverse commuting.

**Transit-oriented downtowns, reliable and convenient rail service and more affordable housing were the key to the region's future.**



2013 Long Island Index Special Analysis

**How the Long Island Rail Road Could Shape the Next Economy**

Report by Regional Plan Association / January 2013

© Long Island Index, a project of the Rauch Foundation.

**T**hese were not numbers easily ignored, and the report was circulated widely. To build on that momentum, Douzinas asked David Kapell, Greenport’s former mayor, to convene a “Fast Track Task Force” to brainstorm ways to move wider public opinion on the project, and to persuade the MTA to include funding for it in its 2015 capital plan. The Long Island Association had a new president, Kevin Law, who began running the task force meetings together with Kapell.

Beyond his convening role at the LIA, Law was uniquely suited for driving cross-sector collaboration, because he seemed to know just about everybody on Long Island: A former managing partner at Nixon Peabody LLP with ties to a succession of Democratic governors, Law had held senior posts under two county executives, chaired the Long Island Power Authority and Accelerate Long Island, and served on boards of the Long Island Housing Partnership, Nature Conservancy and Suffolk County Community College, among others. But he and Kapell also saw their limits.

**“It was only when the governor put enormous amounts of muscle and attention behind it that it moved ahead....And soon after that, the third track popped up as one of the next projects in line.”**

“It was a good group, and we made incremental progress within our various capacities - our silos - within academia and research institutions, labor and business,” said Kapell. “We were building support on the street, if you will. But we were making no progress whatsoever with the two state senators who held the key veto power, effectively, over this project: Jack Martins and Kemp Hannon.

“...Because they didn’t want it. You could hardly get them to talk to you. Martins ...would sit with you, and listen, and appear to agree at points, but at the end of the day he was unmoved, and unmovable.”

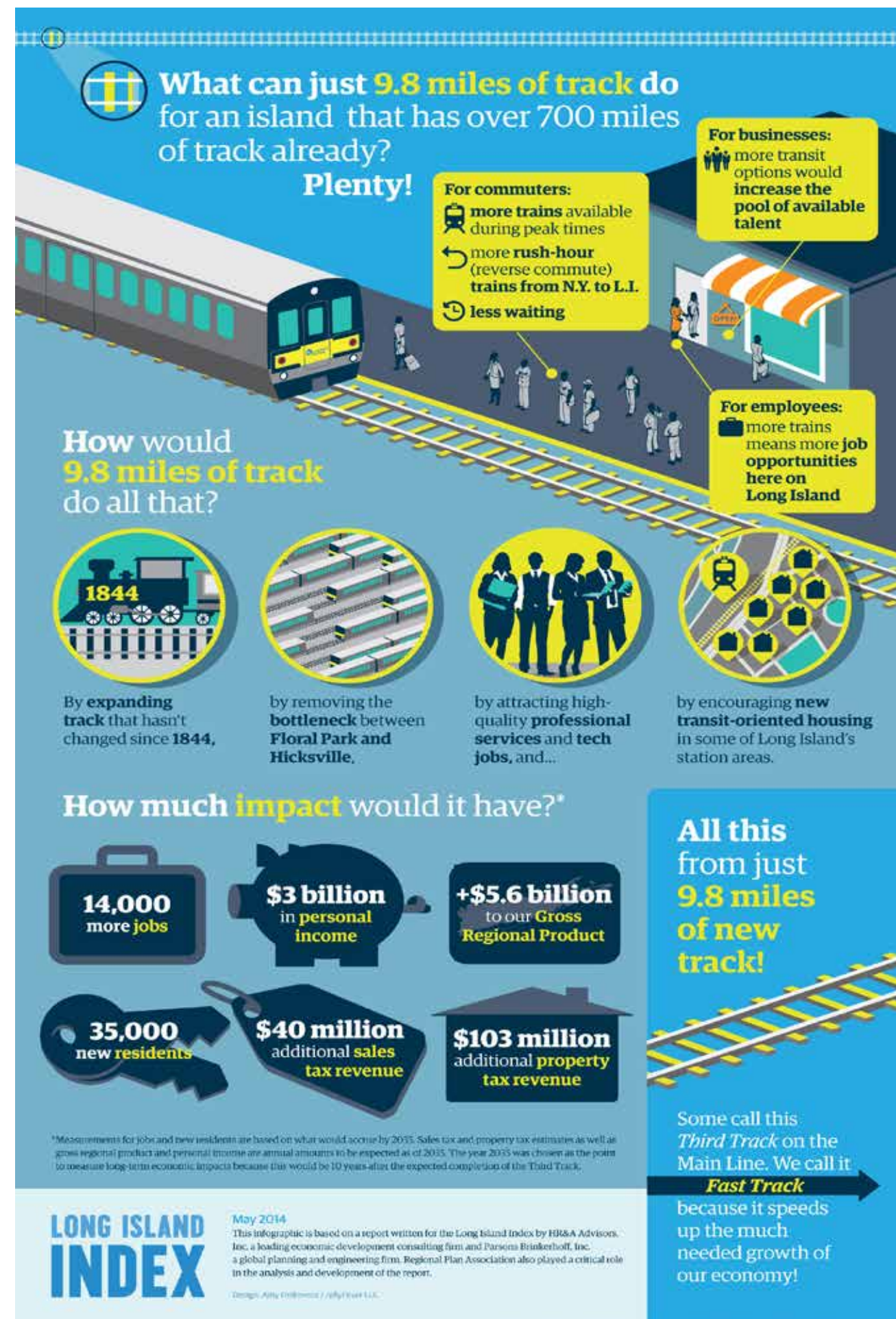
Law agrees: “We had nothing to give them to entice them to get on board.”

But something happened miles from Long Island that would change the equation, recalls the RPA’s Bob Yaro: Andrew Cuomo set out to replace the failing Tappan Zee Bridge.

“That project had been going nowhere for years,” Yaro said. “It was only when the governor put enormous amounts of muscle and attention behind it that it moved ahead. It was one of those miraculous things where the project went from initial commitment by the governor to do it to a construction start in about 14 months...”

“First, people were amazed, and he got a lot of really good press in the Hudson Valley. He...saw that public works were something that could be done fairly quickly.

“...And soon after that, the third track popped up as one of the next projects in line.”



PART IV

# An Unprecedented Level of Outreach: December 2015 - July 2017

## 11. Reception at the Capitol

Law co-chairs the Long Island Regional Economic Development Council with Hofstra President Stuart Rabinowitz. Kapell, who had gained respect for his revitalization efforts as mayor, was a natural choice for the council, and they agreed to appoint him as a way to raise his profile and networking ability.

In December 2015, the three men traveled to Albany for an annual ceremony at which Cuomo announced the next year's economic development grants,

which their group had helped select. After the grants were announced, Cuomo held a reception in the war room of the state capitol.

"I had learned when I was mayor that if you play your hand right, you can often have unscripted, spontaneous conversations with people in high government positions in the hallway at events like this," Kapell said.

So as Cuomo worked the room, Kapell positioned himself in the governor's path, and introduced himself as a former mayor, "which always establishes a rapport with another elected official.



New York State Capitol building, Albany, NY © NY Dept. of Economic Development

"He stopped, he took that in, and wanted to know what I was doing. I told him I was working with the Rauch Foundation. 'Oh yeah? What are you doing there?' That got us on to third track. I gave him the two-minute pitch on the project....

"At the end, he asked me, 'What do you think it's going to take?' And I said, 'Governor, it is going to take executive leadership.' "

Law had been standing impatiently about 25 feet away with a woman he had promised to introduce to Cuomo, and noticed the governor had stopped moving. To his mortification, he recognized Kapell.

"Normally you try to be polite, say hello, maybe sneak in a quick selfie and move on.... But Dave didn't care.... When they finished, the governor made a beeline for me."

Law was ready with an apology, but Cuomo spoke first. "Why the hell haven't you told me about the third track before? This is exciting! We should work on this! "

## 12. A Very Busy Holiday Season

It was the week before Christmas 2015. Law remembers a distracted holiday season.

Most of it was spent on the phone with the governor's staff, briefing them on the history and politics of the third track, its supporters and opponents, and the pros and cons for Cuomo of getting involved.

"Just the 50 years of history of NIMBY-ism, where, as with so many projects,

Cuomo spoke first. "Why the hell haven't you told me about the third track before? This is exciting! We should work on this!"

the more vocal and motivated people are the opponents," Law said. "So he'd create a lot of enemies, while the rest of Long Island had heard about the third track but didn't really understand it, and were less motivated."

But there had been some changes that might work in favor of the project: For one thing, Dean Skelos, who had previously blocked the third track project, was out as Senate leader, indicted the previous spring on federal corruption charges. Assembly Speaker Sheldon Silver, too, was out, indicted on corruption charges. Two of the "three men in a room" who traditionally divided power in Albany were gone.

"For the past 30 years, it was the state senators who would stop it," notes one long-time Long Island Democratic operative. "When you lose a Dean Skelos, and you have a senate district that's changed hands four times in the last five elections...it becomes easier to get that stuff through."

The timing was good. Cuomo had embarked on the most ambitious public works agenda since the days of Robert Moses -- he called it "the most aggressive infrastructure building program in the country - period! By far!"<sup>106</sup>-- a statewide \$100 billion to-do list encompassing bridges, airports, roadways, ski resorts, convention space, cashless tolling and even synchronized LED lights on bridges, choreographed to change colors along with music.



The new Governor Mario M. Cuomo Bridge alongside the former Tappan Zee Bridge ©NY State Thruway Authority

Costly as it would be, the third-track project on its best day would never be mentioned in the same breath with the Governor Mario M. Cuomo Bridge, the Tappan Zee Bridge replacement.

“The third track is not a soaring, dramatic piece of architecture or engineering, it’s a track on an existing railroad,” acknowledges the RPA’s Yaro. But Cuomo “saw that the NIMBY opposition was not that powerful, and that politics Islandwide were going to be actually good for him for advancing this project. People were just tired of the delays on the railroad.”

And the governor “liked focusing on the seemingly insurmountable problems,” said James Malatras, president of the Rockefeller Institute of Government, then director of state operations. Malatras himself had by then grown weary of how easily the LIRR system’s

fragility could turn minor snowstorms into regional public-safety emergencies. They’d had a drumbeat of calls for a third track from the Long Island Association, then-MTA board member Mitch Pally and Suffolk County Executive Steve Bellone, who said their economic development efforts were wasted without it. From a wider regional perspective, this project was key to realizing the full benefit of East Side Access, which was going to shift some LIRR traffic out of Penn Station, freeing up space for a new Metro North service to Penn via the Bronx.

But they also knew Long Island. Even plans for the Long Island Welcome Center, a cheerful high-concept rest stop on the Long Island Expressway that opened in 2016 offering locally sourced food products, tourist info, a police satellite office and a DMV kiosk, had run into a

buzz saw of opposition: Residents were convinced it would attract prostitutes.

So a third track project? “I don’t know if this is going to happen,” Malatras remembers thinking.

Staff dug into the history of the 2005 attempt to understand why it failed, he said: “What was the actual plan? Is there no way to modify it to be more palatable and take the arguments away from those people who don’t want this?”

Cuomo bore down on the railroad to give him a proposal he could sell.

“He looks at it through the political lens,” said the MTA’s former chairman Thomas Prendergast, an engineer. “And then he forced the dynamic discussion: do you really have to take the property?” Railroad engineers draw plans with straight lines. “It doesn’t have to be that way because of safety or reliability, it’s just the way you run a railroad: straight lines, and you don’t have many curves....If you want to shrink the number of property takes and try to get it down to zero, you have to think differently.”

Cuomo looked at all the old grade-crossing elimination projects that had never been completed and decided they should be included as well, making the third track just one component of a railroad modernization project.

The executive staff began running numbers. They looked not just at what all these improvements were likely to cost and the economic benefits they’d deliver, but also the costs of doing nothing, Malatras said: all those emergency shutdowns, the limited train service, overcrowding, chronic delays. This would be expensive, but the math said it was worth it. With a presidential election

coming up and Congress in Republican hands, federal funding was uncertain. It would be a squeeze to fit into the MTA’s capital budget, but avoiding the need for federal funding would allow them to use design-build procurement this time, an approach in which design and construction services are contracted with a single entity. That could provide for more control of the timetable, and serve to channel all the resistance into improving, rather than blocking the work.

Cuomo had one more request, Law said: a broad and robust show of regional support on Long Island from a coalition that would have his back. Law agreed.

Cuomo announced his support for the third track project at the LIA’s annual State of the Region breakfast on January 5, 2016.

Jack Martins, who had opposed the project as mayor of Mineola and was now the 7th District’s state senator, got a courtesy call from a Cuomo aide at 10 p.m. the night before.

“You’ve lost your mind,” he told the aide. (At least that’s the account he gave on the day of Cuomo’s announcement, calling the plan “dead on arrival.”<sup>107</sup> Today, he recalls urging that the railroad do a better job of addressing impacts along the tracks.)

**They looked not just at what all these improvements were likely to cost and the economic benefits they’d deliver, but also the costs of doing nothing.**



© Long Island Association

In 2005, the LIRR’s president had released his plan like a civil servant: in a capital program document distributed at an MTA board meeting. But Cuomo rolled out his 2016 initiative the way a political campaigner does, with a speech before a large audience of Long Island’s top business leaders, offering them something their organization had been begging for since before most of them were born. Newsday was given a preview the night before, assuring two days of coverage. For his part, Law made sure prominent business officials were on hand to provide positive comments to reporters.

Thus, in contrast to the negative reaction the 2005 plan got in Newsday, coverage this time featured Laureen Harris, president of the Association for a Better Long Island, calling Cuomo’s plan “exactly what is required to ensure Long Island has a vibrant economic future.”

**...calling Cuomo’s plan “exactly what is required to ensure Long Island has a vibrant economic future.”**

That upbeat assessment came despite the fact that most of those in the ballroom that morning were bewildered to learn that Cuomo was reviving a project they all thought was dead, says Westbury Mayor Peter Cavallaro.

That evening, Floral Park’s mayor, Thomas Tweedy, got a call from Cuomo, asking how he was doing.

“I said, I’ve had had better days,” Tweedy recalled. “He said, this is something he felt strongly about. I reiterated our concerns about bearing all the burden and deriving none of the benefit, and my concern for the Floral Park station, for mitigation, for the business community and how it will survive this....

“We probably spoke for about 20 minutes, which is a long time for a governor to give a mayor on Long Island. I really appreciated the conversation. I truly did. Not that I thought we had a meeting of the minds. He clearly understood at the end of the conversation that Floral Park was going to give him a fight.”

Tweedy thought that might be why, when Cuomo later unveiled details of his plans, the project area began just east of Floral Park’s station, and the railroad specified that “no major station modifications would be made at Floral Park.”<sup>108</sup>

### 13. LIRR Expansion Project from Floral Park to Hicksville

The governor and Long Island advocates ramped up their efforts. Kapell called it a two-pronged approach, with Cuomo and his staff driving the process, while local advocates worked to build a vocal and visible campaign of support. RXR Realty Chairman Scott Rechler, then an MTA board member, saw Cuomo’s own effort as two parts: an “air game” using Cuomo’s personal authority and executive staff to get results, and a “ground game” with an unprecedented level of outreach at the local level.

For that ground game, the governor tapped John McCarthy, a low-key MTA attorney and Garden City resident who had handled routine and crisis communications for New York City and its police department; and Lisa Black of Rockville Centre, a registered Republican who’d served 15 years as an aide to Senate Republicans, and was working on cajoling community support for that Long Island Welcome Center on the LIE.

Now, the prize they were seeking was the approval of (or at least acquiescence to) funding for this project by the four-person MTA Capital Program Review Board, which in 2005 had refused to consider the project without a costly full environmental impact statement.

For that, Cuomo needed unanimous support from Long Island’s Senate delegation, so that the Senate representative on the CPRB, Republican Martin J. Golden of Brooklyn, would not use his veto. At least two Long Island senators, Kemp Hannon and Jack Martins, were firmly opposed. Cuomo would have to win over the Main Line mayors, from whom the senators took their cues, and who had been unified in opposition in 2005.

Rick Cotton, Cuomo’s infrastructure czar, set an aggressive timetable. The last time around, the environmental reviews were abandoned incomplete after more than three years. This time, by opting out of federal funding, the LIRR itself could lead the environmental review and complete it within a year, just about the statutory minimum.



Lisa Black meeting with Mineola residents.  
© Mineola American

**“Hey, we want to hear from you,  
we want to work with you, we  
want to build this together.”**

Design-build would allow it to conduct the environmental impact studies and hearings at the same time it was inviting consortia of contractors to compete for the job.

The philosophy was simple: Allow the schedule to drift during construction and you lose money. Allow it to drift during planning, and you lose the project. That sense of urgency was made apparent to everyone on the project.

“When it’s a governor’s initiative and an MTA initiative, you have to treat it as a priority. And when something is a priority, you move on it - you don’t sit and wait a week between drafts,” McCarthy said.

The Long Island Association and Rauch Foundation had also switched into high gear. They agreed to turn Kapell’s role into a full-time job. Law, quarterbacking strategy, came up with the new name for their organization: the Right Track for Long Island Coalition, with Kapell its executive director, working out of the offices of the LIA.

The day after they announced their effort, Kapell heard from Vincent Albanese, director of policy and public affairs for the New York State Laborers’ Union, which represents the bricklayers, ditch diggers and mason tenders who would benefit from the jobs created by a project like this. Albanese offered to put the union’s in-house media production, volunteers and lobbying to work for the campaign. That led to lunch in a Westbury restau-

rant where Law, Albanese and Kapell agreed to an informal partnership, committing roughly equal resources to what would ultimately become a campaign in the high six figures. The Association for a Better Long Island would later contribute to the effort as well.

In early February, the mayors of the villages along the Main Line signed a letter to their village officials’ association, opposing the project and asking for alternatives. Within days, Westbury Mayor Peter Cavallaro recalled, “we got a call asking us to go into the city to meet with people from the railroad.”

Instead, it was Cuomo who walked into the conference room, with Cotton and the governor’s budget director, Robert Mujica. Cuomo spent half an hour explaining his reasons for support of the project.

“He talked about its value to the Long Island economy...reverse commuting... all the items in the marketing pitch,” New Hyde Park Mayor Lawrence Montreuil remembered. “I didn’t think that was the reason for it, and said so.” Cuomo was just looking for a project that would win votes in Suffolk County, Montreuil said.

Cuomo “said he wants to make this a model for how state government can work with local governments,” Montreuil recalled. But when the mayors pointed out they’d been asking for the grade crossing eliminations for decades, Cuomo said those would only be done in conjunction with a third track.

Cotton and Mujica then spoke: “They kind of set the tone: ‘Hey, we want to hear from you, we want to work with you, we want to build this together, so to speak,’” Montreuil recalled.

**B**ut after the meeting, most of the mayors stuck to their previously stated public opposition to Cuomo’s project, “because of their experience the last time around, and their fear that this was just going to replicate the same kind of issues and anger in their communities,” Cavallaro said.

“(Cuomo’s) idea is, this is really something that’s going to be great - It’s ‘Look at me, I did the Tappan Zee Bridge, I got that done, and I’ll get this done,’” said Nicholas Episcopia, who was then Garden City’s mayor. “Well, people don’t live in the Hudson River, you know?”

Floral Park, New Hyde Park and Garden City agreed to pool their resources to hire a consultant to evaluate the environmental review process, with an eye toward preparing litigation.

But Westbury Mayor Peter Cavallaro told them he was going to support the third track. Westbury and Mineola already had begun to embrace transit-oriented development. This version of the project was different from last time, he concluded -- fewer takings, more benefits. And the mayors had been urging the elimination of those crossings for years. “Weigh all of that with the fact that your residents who are commuting are going to have fewer delays and better train service, and if...beyond your own local parochial interests, it truly is better for Long Island in the long run, it was sort of a no-brainer to support it,” Cavallaro said.

More to the point, by remaining largely on its own right of way the railroad was sharply limiting the villages’ leverage over the project. Cavallaro says he privately told the other mayors: “There is going to be a third track within 20 years

because Long Island needs it....Our job in the process should be to make sure it happens in the best possible, quickest manner, with the least impact on our communities, and if we can get benefits or infrastructure improvements, so much the better.”

As for preparing litigation, Cavallaro said he told them, “I was not going to participate in that.”

That winter, Cuomo asked LIRR President Patrick Nowakowski for an expedited work plan. Nowakowski balked at the timetable. Said a team member, “Pat took his guys’ word for it when they said they need this much time, and the governor pushed him on it - consistently.” Eventually, “Pat delivered.”

In the late winter, Lisa Black met with her old Senate boss, Hannon, who was warm, though unyielding on the idea of a third track; he introduced her to Mineola Mayor Scott Strauss. Black explained that the plans as drawn would require the railroad to shave only 7 feet off the back ends of some lots along the tracks. So Strauss arranged for her to visit the home of Trustee Dennis Walsh, who lived in one of those 1946 capes on Albertson Place, and they saw what “only 7 feet” meant.

**“and if...beyond your own local  
parochial interests, it truly is  
better for Long Island in the long  
run, it was sort of a no-brainer  
to support it.”**

“It would have taken away his garage,” Black said. “We sat. We watched the trains. We heard the trains. He was a nice enough guy to let us hang out in his backyard. You could feel the rumble from the trains.”

Challenged by the governor to reduce takings, planners ran computer traffic simulations and rethought their approach to the crossings. If instead of building a vehicle bypass at each crossing, they closed the crossing partially and then completely for a few months, that would temporarily inconvenience motorists, but spare them the need to take homes. With careful preparation, they could restrict those closures to months, not years. They had learned in 2005 they’d need less land along the tracks if they built retaining walls, so the plans came to include 7.5 miles of them. They kept studying the tracks, interlockings and spurs looking for safe ways to narrow the corridor.

“We had to take out a very fine slide rule,” said Elisa Picca, the LIRR’s former executive vice president and lead planner. “Just trying to shave it down, shave it down, shave it down.”

In March 2016, Cuomo announced that the third track project no longer needed to take any residential property at all.

**“We had to take out a very fine slide rule... Just trying to shave it down, shave it down, shave it down.”**



## 14. The Right Track

Albanese recruited senior Nassau Democratic strategist Resi Cooper and Republican Jim Sherry, Balboni’s long-time chief of staff and now a partner in his consulting business, Redland Strategies. Sherry had been a junior at Mineola High School at the time of the 1982 accident that killed nine teenagers, and heard the neighbors argue over plans for the tracks. In 1992, he’d been close enough to hear the boom and see the white and silver flashes when a motorist mistakenly turned onto the tracks at Willis Avenue and hit the third rail. Sherry, a volunteer firefighter, had seen that car engulfed in flames, its driver beyond all help. Had run to a phone and called it in. So yes, Sherry had some insights.

The Laborers enjoyed a good relationship with the Republicans. Jack Martins, who owned a contracting company, was “always a big supporter of the trades,” Albanese said. But now, they were getting nowhere. Privately, Martins would seem amenable to a third track with the proper assurances. But in public, “he was like, ‘I don’t want this project!’ It got very contentious.”

Sen. Kemp Hannon of Garden City, “wouldn’t talk out of both sides of his mouth - he would just say no,” Albanese said. Smithtown Republican John Flanagan, now the majority leader, and his staff were “just kind of blowing us off. ...I really believe they thought this was like all the other times, and it would just die.”

The message, Albanese said, was “Don’t waste my time.”

Kapell was busy scaling up his coalition-building. His main tools would be

an email contacts database and a lot of targeted email blasts, first reaching out to allies of the LIA and Rauch to sign them up in the coalition, and later seeking to turn the right people out at public hearings. There would eventually be a website and petitions, and ABLI would pitch in on social media and letters to the editor. Before it was over the Right Track Coalition could claim to speak for 2 million of Long Island’s 2.8 million residents.

Among them was attorney Charles M. Strain, a Garden City native and long-time chairman of the board of Mineola’s Winthrop Hospital, now an affiliate of NYU Langone Health. About 10 percent of Winthrop’s employees reverse-commute to their jobs at the hospital, so making this service more frequent and reliable would have tangible benefits. Because Winthrop had major zoning applications pending in Mineola, the hospital held back from taking any formal position on the railroad’s plans. But Strain wound up on the Right Track Coalition’s steering committee, ultimately playing a pivotal role behind the scenes and in public, including testimony at environmental review hearings at Hofstra University and the New Hyde Park Inn.

Like other members of the coalition, he also would play a quiet role behind the scenes at luncheon meetings and business events, rebutting misinformation and tucking advocacy for the third track into all the pleasantries exchanged in elevators and lobbies on any given day: in short, all the places where opinion is formed.

Meanwhile, Cuomo’s team was reaching out to anyone willing to talk with them. The directive had been clear: an unprecedented level of outreach to the



NYS Laborers Organizing Fund

community, not only to understand residents’ concerns, but also to get through to them just how badly this project was needed.

“I don’t think people really understood that trains really do only go in one direction in the morning and the evening,” McCarthy said, “You really have to sell the project on its merits, and if it’s not worth it, you’re not going to be able to sell it.”

Politics is not as simple as it looks on Long Island, where the tiniest village is sovereign over its patch of earth, and different trustees or departments within that village may disagree in a way that matters. Then there are the school districts, fire and water districts, towns and counties; the team was going to have to talk to everybody and try to deal with the issues one at a time.

Strain recalls one of the first visits Cuomo’s people made to the project area, meeting with him at Winthrop Hospital that winter.

“I told them, you all have to be like real estate developers,” Strain recalled. “All these communities have something you want, and it costs money, probably. But what a real estate developer does is he figures out what the community needs and says, OK, I’ll do that on my nickel.”

## 15. “A Lot of Coffee and A Lot of Beer”

The MTA issued a draft scoping document for the “Long Island Rail Road Expansion Project” in May, 2016, setting the stage for the first six public hearings that would be the first, most important public signal of the political chances of this latest attempt.

The stakes couldn’t be higher. Initial perceptions had proven decisive in the past. A decade earlier, the visceral hostility that exploded in Floral Park had been enough to turn previously supportive state senators against it, sealing its fate. And CARE had organized its network intensively to turn out an army of opposition this time as well.

That army did not materialize.

“The mayors in New Hyde Park and Floral Park told me personally they were surprised.... The level of negativity and opposition was nowhere near what it had been 10 years earlier,” Westbury Mayor Peter Cavallaro said. “One mayor said it was a tenth of what he had seen.”

“They were not filling the auditoriums” as they had before, said Sherry. “The air was coming out of the balloon of the opposition.”

Cuomo’s insistence that no homes would be taken was having an effect. But Kapell saw evidence that the Right Track Coalition was doing its work as well.

“The coalition was successful in turning out its membership to balance the testimony,” he said. “So that immediately set a different tone. It was something more civil, frankly. There was still a lot of anger in the room, but...there was another voice in the room, of support.”

“Most people don’t want to go to a meeting and face down angry opponents with a supportive statement,” Kapell said. “We were able to overcome that, and I think that had a lot to do with shifting both the community’s perception and also the political perception at the state Senate level.”

One such persuader was Charles Strain.

“I’m not a litigator, but I’m reasonably confident standing on my feet and speaking,” the hospital chairman recalled. “And I listened. One woman who literally lived on the tracks of the railroad was complaining that if there are more trains, she’ll have a hard time barbecuing in her backyard... Somebody got up and said the whole purpose of this is so that the railroad can move radioactive waste from Brookhaven National Laboratory over the third track.”

The last time around, complaints like this had gone largely unanswered, and they had formed the narrative that shaped newspaper headlines and fixed public opinion against the project. This time, “you had a very mixed view, and many people getting up and saying we absolutely need to do this, and here are the reasons,” Strain said.

Albanese also noticed something new in his union’s turnout. The members supported anything that promised jobs, but when they stepped up to the microphone he learned they were fed up with train delays, too. For opponents like Kathleen Auro of Garden City, the changed dynamic was disconcerting.

“A number of union workers were there - quite a number!” she recalled. “Any time somebody spoke about the third track in a positive way, of course the union people would applaud.”



© Metropolitan Transportation Authority<sup>109</sup>

Floral Park’s ex-mayor Tweedy pointed to another reason for the muted opposition. In January 2016, within days of Cuomo’s unveiling of his third-track plans, 2,000 village residents had turned out to oppose a plan by OTB to install video lottery terminals at Belmont Park.

Perry Criscitelli, a Floral Park resident opposed to the railroad’s project, concluded that his village had a case of “the casino fatigue.”

“We fought that casino arm and leg, hand and fist, and everything we had, and after that I think everybody wasn’t in the mindset of another fight,” Criscitelli said.

After those hearings the governor’s team began knocking on the door of every home near the tracks from Floral Park to Hicksville, alerting residents to the coming work, asking: “What do you need? What would make an improvement for you?” Black and McCarthy began systematically meeting with any interested civic organization to hear res-

idents out, meetings that were generally unpublicized and usually “not comfortable,” Black said.

Together and separately, they showed up and listened: at public meetings at village halls, and off-the-record sessions in out-of-the-way bars and diners with maverick trustees and civics, collecting wish lists, advice and laments in all forms. They were not shy about going back to the railroad, the MTA, the state Department of Transportation or the governor’s office with the feedback.

**They showed up and listened: at public meetings at village halls, and off-the-record sessions in out-of-the-way bars and diners... collecting wish lists, advice and laments in all forms.**



McCarthy and Black listened to worries about contaminated soil under the rails, and agreed to do soil testing; listened to grumbling about train noise and agreed to install sound walls and do vibration testing; listened to complaints about 24-hour construction noise, and promised a 24-hour complaint line. They listened to insistent requests for more train service, which was one thing they weren't in a position to promise. And they traded ideas about how to get the work done fastest.

"There was a lot of coffee, and a lot of beer, and frankly, spending that time one on one with folks was fascinating, because they said things they wouldn't say in front of an audience," Black said. "We got down to the heart of it."

The mitigations and adjustments negotiated by Black and McCarthy would eventually total some \$800 million, Kapell said.

Kapell had organized a kind of rapid-response war room approach, to make sure no public attack on the project went unanswered. That would be tapped when Garden City's mayor addressed the chamber of commerce at a luncheon about the project

Nicholas Episcopia "got up and ... said: 'The railroad will never be able to finish this project,' and 'They don't have any money for it, they're never going to be able to get it done,' and 'It's really going to impact Garden City,' and 'Who cares about the rest of Long Island, anyway?' Strain recalled.

The hospital chairman was ready with a response.

"I simply went through why we need in the 21st century to be upgrading our railroad system... about the need to be

able to attract engineers out of the city, and frankly younger engineering types who live in Manhattan and Brooklyn... that they may come out permanently as they get a little older and decide to have a family, so there was a clear benefit to us.... I was simply trying to rebut Episcopia a little bit."

That wasn't the only public rebuttal that day: another came from a leading developer: Russell Matthews, now CEO of Castagna Realty. "It was a watershed moment," Kapell said.

Further east, somewhat to his surprise, Cavallaro was finding that Westbury residents weren't opposed to the project at all. "They saw we were on top of it, that we felt the impacts would be mitigated, and we'd be getting tremendous benefits," he said.

But when residents did speak out, some got results. Nadia Holubnyczyj-Ortiz of Floral Park stood up at one meeting to complain that no one had reached out to her civic association, only to have John McCarthy press his business card into her hand moments after she sat down.

Holubnyczyj-Ortiz, who is disabled, had been outraged to discover the project area started just a few feet east of the Floral Park train station, concluding it was an effort to avoid triggering ADA (Americans with Disabilities Act) requirements to install elevators. Then she discovered Lisa Black had a Twitter feed, and messaged her about it. Before she knew it, the two were in regular contact by email, texting and phone.

"And she did keep encouraging me to speak up," Holubnyczyj-Ortiz recalled.

As time passed, Black's feedback was usually the same: "Oh, they're revising, they're revising." She thinks it was

after the initial scoping document was completed in August 2016 that "I got a phone call again from Lisa Black.

"I said, 'So, what's the status?' And she's like, 'Oh, they're including it.' Three ADA-compliant elevators, one for each track. And I'm like, 'Oh!' ...They weren't making a grandstand of it."

Holubnyczyj-Ortiz still didn't like the project, but she had decided to make the best of things. She was hearing grumbling from neighbors that Tweedy's stubborn opposition wasn't doing their village any good. Meanwhile, CARE's anti-Cuomo rhetoric had taken on a partisan flavor, she said; her civic publicly withdrew from the umbrella group. Lisa Black went to meet with Bill and Ann Corbett, CARE's founders, at their office, and found this banner on their front window (below):

This was an important election year. Martins was leaving the 7th Senate District seat to campaign for Congress. There were significant pockets of Republican support along the Main Line project area, but they were soft. A candidate perceived to be stronger on the third track issue might swing those votes.

Flower Hill Mayor Elaine Phillips, the Republican candidate for Martin's seat, campaigned as an opponent of the third track, echoing CARE's top objections.

"With all due respect to the governor and the MTA, they're saying oh, we can, we'll be out of that area in nine months - no way, I challenge that!" she told Newsday's editorial board that fall. "We're talking about years. That could devastate those businesses in downtown Floral Park."



Sign outside Corbett business in Floral Park, 2016

© WSHU News/  
Terry Sheridan

Phillips also repeated uncorroborated reports of cancer clusters and toxic chemicals.

“You’re talking about health issues,” she said. “You’re talking about soil that’s going to get disturbed again. ...There is a problem there... all kinds of different cancers...Look - I don’t want to spread incorrect rumors, but there is -- what I heard was Agent Orange used there in the early ‘70s, ‘72, ‘73... This is soil that they - in order to build that third track, that’s going to have to be excavated.”

One of the studies Black and McCarthy had seen to was soil test borings for Agent Orange and related toxins, and when the draft environmental impact statement came out later that November, those test results had varied from zero to trace amounts of the toxins.

By then, Phillips had already won her race. So had Kemp Hannon. The Republicans had kept control of the Senate. The LIA’s Kevin Law said Hannon, til then ever the mild-mannered gentleman, dropped the niceties when they ran into each other at a League of Conservation Voters cocktail party a week after the election.

“Listen - as for your third track project? It’s not happening! Over my f\*\*\*ing dead body!” Hannon told the startled Law. (Hannon did not respond to requests for comment.)

**“Listen - as for your third track project? It’s not happening! Over my f\*\*\*ing dead body!”**

— — — — —



Kemp Hannon addresses a rally of Citizens Against Rail Expansion, March 24, 2017. Floral Park Village of Floral Park

## 16. A Moving Target

When the draft Environmental Impact statement, incorporating feedback and changes to the plans, was released in November 2016, it was to be followed by six more public hearings and a public comment period that would close in January. After protests were lodged the comment window was extended, but it was clear that critics felt the government’s pace was leaving them at a disadvantage.

In written comments on behalf of the villages of Floral Park, Garden City and New Hyde Park, the environmental law firm of Beveridge & Diamond contended that the EIS process should not have even begun until the project was better defined, and that selecting a design-build process made it impossible to evaluate potential impacts in advance, resulting in a study that was “superficial” and “vague,” with analysis that was “flawed or completely missing.” The construction schedule seemed “wildly optimistic.”

The decision to forgo federal funding allowed the state to avoid an independent federal review of the project, Beveridge & Diamond pointedly noted, “unnecessarily placing the entire burden of the growing cost of this Project on New York taxpayers and LIRR commuters.”

The comments, while adversarial, were a pretty accurate summary of the Cuomo team’s strategy for finally getting this railroad project completed. By including it in the MTA capital plan, they had avoided the uncertainty of seeking federal support from what would turn out to be an unsympathetic GOP Congress and president. Design-build procurement allows speed, efficiency and control, Malatras said, combining procedures and processes and using these public comments to shape the project, rather than “paralysis by analysis.”

Typically, every level of a project presents a fresh target for opponents to challenge and delay it, Malatras said: first the environmental review, then the contract award, then land use decisions,

DOT regulations, health regs, etc. With design-build, “you don’t have to do that sequentially.” By the time these public hearings were completed, four finalist design-build teams had been selected.

In March, the mayors of Floral Park, New Hyde Park and Garden City, all harsh critics of the third track plans, ended their terms of office. But they decided to go out with a bang, convening a press conference with Hannon, Phillips, and other elected officials and dozens of CARE members waving “NO ON THIRD TRACK” placards.<sup>110</sup>

But Westbury Mayor Peter Cavallaro convened a competing pro-third track press conference at his village hall, attended by Oyster Bay Supervisor Joseph Saladino.<sup>111</sup> The Laborers went a step further, parking their big mobile video truck outside the CARE event.

“What we did was fairly antagonistic, we knew,” Albanese said. “We tried to screw up their press conference.” But the union membership had begun to take this issue on as their own - 350 had



A specially equipped box truck was used to spread the pro-third track message in 2017. NYS Laborers Organizing Fund



Elaine Phillips addressing the CARE anti-third track press conference, March 2017 Village of Floral Park

turned out at the last environmental hearings - and they were getting frustrated at being told by Republicans that it was a "losing campaign issue."

The planning continued. Westbury's Cavallaro said he had become accustomed to speaking with John McCarthy and Lisa Black "multiple times a week" to discuss updates and concerns.

"They kept us pretty well apprised to things they were requiring as part of the negotiation making sure our communities were being taken care of in terms of impacts and infrastructure improvements. They were very proactive, very on the scene, very accessible. Their job was to allay all those fears and address all those issues in a proactive way. The residents were well informed, officials were well informed. Potential opposition didn't really percolate."

People were coming to understand that engaging with the governor's outreach team could be fruitful, even if the meetings sometimes ran long. The governor's team tried to be evenhanded: if one mayor talked them into sound walls or parking, they offered those benefits down the line, because they knew the

mayors were comparing their deals.

"We would have the biggest adversaries of the project sit down and say 'OK, if this is going to happen, you should be able to make a right turn here,' and make some very helpful and thoughtful points," McCarthy said. "I think we started to see collaboration."

The State Environmental Quality Review Act findings statement was executed April 27, 2017, less than a year after the process began. The previous attempt had been shelved after three years, still in draft form.

With the environmental review complete, the MTA in May 24, 2017 approved an amendment to the 2015-2019 capital program that authorized \$1.9 billion for the Long Island Railroad expansion. The full cost: \$2.6 billion, of which the remainder would come from the next capital program.

"LIRR Expansion Project from Floral Park to Hicksville" was submitted to the four-member Capital Program Review Board, which now had 30 days to approve or deny it. If it took no action, the project would automatically be ratified.

## 17. Brinkmanship

The clock was ticking now.

The project could be killed with a single "no" vote from the Senate's representative on the board, Republican Martin Golden of Brooklyn. He had just been given an incentive to a fast-track renovation of a subway station in his Bay Ridge district, but he would vote as directed by his party leader, Flanagan, who would not assent without unanimous support from Long Island's Republican senators. Hannon and Phillips were still opposed.

But Albanese was convinced that the Republicans were wrong about the public mood. There was momentum in the media. Two Suffolk Republican senators, Phil Boyle and Tom Croci, openly supported the project. People under-

stood this wasn't the same plan they had rejected before, he was convinced: "It was one of those things you just feel."

So without informing Law or Kapell, Albanese and the Laborers hired the Republicans' own pollster, instructing him to sample 600 residents of Phillips' 7th District, without bias. It was a risky move - a poor result was sure to leak out and be used against them.

"The anxiety I had! I didn't want to derail this thing," Albanese recalled.

The poll found 67 percent of Phillips' constituents supported the third track, Albanese said. But when the Laborers' lobbyist presented it to the Senate Republicans, they brushed it off as invalid, a "push poll." After that, said Albanese, his members were "livid."

Newsday's long-running support for the

**Tired of your painful commuter rail system?  
Had ENOUGH of the overcrowding, delays,  
and track breakdowns?**



**DEMAND CHANGE!**

Postcard sent to Long Islanders, paid for by the NYS Laborers PAC. Kivvit

project had become urgent.

“There are times when local leaders must make decisions for the good of the region,” the paper wrote. “This is one of them.”<sup>112</sup>

The Laborers began bombarding Phillips’ office with “catch-and-release” calls demanding support of the third track. Catch-and-release phone solicitors canvass residents to find those willing to record a phone message demanding action from a lawmaker, and then transfer them to the official’s voice mail. In the first week of June, Phillips was getting 20 to 50 a day.

“There are a lot of campaigns where our job is just to provide political cover for whoever is going to stick his neck out, and I’d initially thought that’s what this was going to be,” Albanese said. “I never thought it would be as intense as it got.”

On June 7, LIRR managing director Veronique Hakim wrote to Hannon and Phillips outlining nine pages of specific commitments it had made, including six new parking garages, extensive station upgrades, sound walls and vibration controls, a new signal system, and a Project Community Fund to cover incidental village costs. The villages would even be allowed to participate directly in selecting the design-build team. But

**Newsday fired a none-too-subtle warning shot.... “State senators who won’t be part of the solution will be blamed.”**

the mayors continued to hold out for more, and Flanagan wasn’t responding.

A week after that, Newsday fired a none-too-subtle warning shot.

“In this crisis, it’s worth remembering that the proposed all-important third track on the Main Line would solve this in the future. State senators who won’t be part of the solution will be blamed.”<sup>113</sup>

In Floral Park, Mayor Dominick Longobardi’s phone rang. It was Governor Cuomo. What was it going to take to work this out?

“He says to me, ‘Your residents are my residents,’ and I said, ‘Yeah, we get that,’” recalled Longobardi, who holds a day job as deputy comptroller for the town of Hempstead and receives a \$10,000 stipend from the village for his mayoral duties.

The two men then spent more than an hour on the phone together going over the issues, which Longobardi detailed as: Communications and traffic plans. Construction schedules. Dust. Rodent control.

“He understood I wanted to protect my community, and he wanted to protect the people too.”

A Newsday editorial saluted signs that the railroad and the villages were getting closer to agreement.<sup>114</sup>

When a daily newspaper throws its editorial support behind a cause, everyone can see the words on the page. Less visible is the pressure on elected officials when an editorial board calls to ask for their position on an issue, one they know will be on record the next time they seek a campaign endorsement. Newsday had noticed who seemed to



pose as moderates with the editorial board while striking a militant pose at CARE events. The paper started to press them for clarification. Its disapproval could be withering.

Albanese knew the Rauch Foundation and the Long Island Association couldn’t engage in partisan politics, but his organization was a political action committee. So while the Right Track Coalition began running positive television spots for the project, the Laborers ran direct-mail pieces going after Hannon and Phillips, one of the most vulnerable members of the Senate. They parked their mobile video truck outside train stations in Phillip’s district with ads targeting her by name, handing out fliers.

All this was triggering tensions within the union. A business manager in Rochester called Albanese to ask, “What the hell are you guys doing? The Republicans are all pissed off at us.” And there

was internal disagreement over whether to raise the ante with ads targeting Flanagan himself: Law urged restraint, and prevailed.

Things were equally tense on Long Island. Lisa Black postponed a trip to Paris because, after 18 months of talk, she still did not have the mayors’ signatures on memoranda of agreement. The negotiations were no longer about amenities, but absurd standoffs over what she considered microscopic word changes. She called it “butterflies.”

“I don’t think anybody wanted to pull the trigger,” she said. “Or they wanted to - they just were afraid to.”

Unbeknown to Black, New Hyde Park Mayor Lawrence Montreuil still had a “No On Third Track” lawn sign on his front stoop, though he said he had become comfortable with the deal that was being finalized. Then he was outed online, in a Newsday editorial newslet-

## Everyone knows where the mayor of New Hyde Park lives



A lawn sign reads “No LIRR 3rd track.” *Newsday* online editorial. Photo Credit: Randi Marshall

© Newsday

ter about the controversy: “Everyone knows where the mayor of New Hyde Park lives,” it read. Montreuil called Albany and said the deal was off.

The next morning, the phone rang; it was the governor, calling to commiserate. Montreuil sheepishly backed down. “If it was a good deal for New Hyde Park yesterday, it is a good deal today, regardless of my personal emotions,” he said he told Cuomo.

But signatures were still not in hand: “Deadline?” Floral Park trustee Archie Cheng said with a laugh. “We wanted it to go away! I think the governor and the MTA had a deadline - we didn’t have a deadline.”

On June 29, *Newsday*’s editorial page pleaded for lawmakers to resolve things: “The grand bazaar is over. The time has come for leadership....Will they let

\$2 billion for Long Island disappear because of the NIMBY opposition of a handful of local leaders?”<sup>115</sup> Floral Park’s mayor had another phone conversation with the governor.

On June 30, the final day, Floral Park got a letter from Nowakowski, the LIRR president, “stating they would modernize and redo the design of the Floral Park railroad station,” according to trustee Cheng. Another letter signed by the state that day promised \$2.5 million worth of road work in the village, he said.

At 1:30 pm that day, Black collected signed memoranda of agreement from Floral Park and New Hyde Park, the two holdout villages everyone had been worried about. The villages announced that they had resolved concerns about the project to their satisfaction.

**A**mong the concessions: an agreement to help provide turn-around space for a new engine acquired by Floral Park’s volunteer fire department, whose incoming chief was the mayor’s brother. Both villages would get another round of soil testing when the work began. An additional reserve fund of \$10 million would be set up by the LIRR to cover unanticipated costs that might arise after the project was complete.

And the agreements projected that four more trains would stop in Floral Park each day, and 10 more in New Hyde Park. (But the document warned, “LIRR reserves the right to revise service levels.”)

But there still wasn’t an okay from the Senate Republicans.

Word began circulating that Golden was going to use his veto against the project. The project’s backers scrambled for a way to buy more time. Late that afternoon, the MTA withdrew the funding measure. It was re-submitted shortly after midnight: that maneuver re-started the 30-day clock.

Flanagan announced he was confident 30 more days would give the MTA “the opportunity to develop a comprehensive solution to the ongoing commuter crisis.” The MTA’s Hakim was confident that “any remaining questions will be answered in this time.”

“We were crushed,” Kapell said. “It was a very depressing moment.” But Law said he’d had a message from Flanagan: Trust me.

“That’s all he said - that he was going to get it done,” Law recalled.

Another 10 days passed. *Newsday* reported the same two local senators,

Hannon and Phillips, were trying to squeeze more “goodies” out of the deal, including hospital and health care funding and economic development dollars for a public works garage. Malatras said Golden’s threatened veto on the third track had become a convenient point of leverage to extract concessions from Cuomo on New York City’s share of the MTA capital plan.

“Train wreck,” another editorial began July 9. “There will be no other way to describe the disastrous consequences if almost \$2 billion in funding to improve Long Island Rail Road service is lost because of the reckless and self-interested politics of most of our state senators.”<sup>116</sup>

On July 11, there was another op-ed on *Newsday*’s editorial page, this time from MTA Chairman Joseph Lhota, warning that “havoc comes from ignoring long-term projects.”<sup>117</sup>

Law and Kapell spent that afternoon at another economic development meeting, then shared a commiseration drink at an Appleby’s in Hauppauge. The whole thing had seemed like such a Cinderella story, when you thought about it: Up and down, up and down. Then down, down and down.

On the way home, an email pinged Kapell’s phone. He pulled over to read it. Flanagan had announced his assent.

**The whole thing had seemed like such a Cinderella story...  
Up and down, up and down.  
Then down, down and down.**



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# FUTURE OF LIRR GREEN LIGHT FOR THIRD TRACK

**Final hurdle cleared as State  
Senate GOP OKs \$1.95B project**



Gov. Cuomo at the LIA breakfast after funding for the third track was approved. His Power Point presentation (shown on the right) focused on the difficult dynamics of creating change within communities.  
From NYGovCuomo YouTube channel

### 18. There's a Lesson in All of This

With funding at last secured, the LIA invited Cuomo to celebrate the victory at a packed luncheon the following week. The governor thanked a long list of people and organizations who had supported the project, which he called "the largest single investment in infrastructure ever made in the region."

Then Cuomo used his Power Point to offer the Long Islanders some blunt advice.

"There's a lesson in all of this....We don't like change. We like control, right?" Cuomo said.

"Magnify that a thousand-fold when you have to talk to 100 local governments and 100 local politicians....The NIMBYs come out....'I've got mine.... Don't change a blade of grass.'

"We don't like conflict. We don't like confrontation. We're going to make people unhappy. That's true! And we are going to take a risk. And we are risk averse - I know!

"But life is options, and life is choices,

and if you don't make the changes and if you don't grow, what happens? Then you have stagnation...and that, my friends, is defeat.

"They're gonna go right past you! Because California's growing, and Asia is growing, and Connecticut's growing, and other regions are growing, and if you're stagnant, and you're not moving, and you're not progressing, they're going to leave you behind!

"And those are the options that we really face."

**"We don't like change. We like control, right?" Cuomo said.**

**"...But life is options, and life is choices, and if you don't make the changes and if you don't grow, what happens? Then you have stagnation... and that, my friends, is defeat."**

PART V

# Getting It Done

## 19. Bespoke Contracting

With the funding finally securely in place, the MTA and LIRR spent the summer and fall in technical review and pricing negotiations with the three teams vying for the contract.

The agency chose Third Track Constructors, a joint venture of Dragados USA Inc., John P. Picone Inc., CCA Civil Inc., Halmar International LLC, Stantec and Long Island-based Cameron Engineering.

Stantec, the lead designer, had overseen those fraught grade-crossing elimination projects at Herricks Road, Mineola Boulevard and Roslyn Road. And Rubenstein's Gary Lewi, a former D'Amato aide and

the region's No.1 public relations man, had been recruited to lead the team's outreach.

The team heeded Cuomo's directive to make this undertaking a collaboration with the local governments, and a national model for similar efforts.

"Our community outreach effort will eliminate the traditional silos that isolate

infrastructure project teams," 3TC promised in its agreement, adding in boldface: **"Community outreach will be viewed as an equal partner among the construction and engineering discipline."**

Under 3TC's strategy, members of its team were tasked with "creating specific stakeholder relationships." A team of "Project Ambassadors" would be assigned personal responsibility to des-

ignated communities and businesses along the right of way, so "the concerns of the Project stakeholders will have a seat at the design and construction table."

Lewi had once been a spokesman for the town of Hempstead, and his portfolio would include the village of Mineola, for instance, while Andy Kraus of Epoch 5 Marketing, generally regarded as Long Island's best public relations firm, would work with the village of Garden City, which had been a client on other matters.

Among the new goodies contained in the contract: a new, temporary firehouse for the New Hyde Park Fire District, complete with heating, ventilation and bathrooms, south of the tracks, so volunteers would not be cut off from their equipment on the north side when crossings were closed for construction.

The plan also featured a "bespoke Public Education Program," led by John Cameron, "to engage the youth of the corridor and promote their interest in Science, Technology, Engineering, Arts and Mathematics (STEAM) careers."

At a meeting of the MTA board in December, 2018, LIRR Executive Vice President Elisa Picca called the board's attention to that public outreach component in recommending approval of 3TC - "a very astute team," she said, with an "innovative" approach.

## 20. Billions upon Billions

By December 2017, two years after that conversation between Cuomo and Kapell, the project was finally ready to go. The \$1.921-billion contract with 3rd Track Constructors (3TC) came before the MTA board for final approval.

The LIRR had priced this project at \$1 billion in 2007 - about 10 times what it had estimated 20 years earlier. Now the total cost was pegged at \$2.6 billion, of which the remainder would be requested as part of the MTA's next five-year capital program. Picca told the board that 3TC's contract came in two parts: a \$1.5-billion "base scope," including grade crossings and some of the garages and stations, which would be tackled first; and the "completion scope," including the actual installation of the third track, which was to be funded and implemented with \$356 million from the next capital program.<sup>118</sup>

Allies testified in strong support. RPA's Chris Jones pointed out that New Jersey Transit and Metro-North had already had big upgrades. The LIA's Matt Cohen presented a letter co-signed by Long Island's two county executives pronouncing it "the most important infrastructure project the MTA has ever proposed for Long Island." The commuter council praised it. And the Right Track Coalition's Lisa Tyson, director of the Long Island Progressive Coalition, presented a petition with 4,542 signatures urging approval.

"I've been working on this project for my entire professional career," said Mitch Pally, Long Island's board member from 2005 to 2019, thanking fellow board members for "finally understanding the importance of this project to us."<sup>119</sup>

But James Vitiello, the Hudson Valley's representative on the board, calculated that when combined with East Side

Access, the MTA's upgrades for Long Island's commuter rail service now amounted to \$650 for every man, woman and child in the state, or about \$90,000 for every LIRR commuter. He abstained from the vote. New York needs to fix "our broken and onerous procurement laws," he said.

Board member Andrew Saul agreed. "These mega-projects have eaten our capital budget alive," he said, lamenting the way the MTA was unable to fix its deteriorating service because it was spending "billions upon billions upon billions" on projects like these.<sup>120</sup>

The Rauch Foundation's Douzinas shares their frustration. In the 1990s, she noted, Nassau and Suffolk counties enacted laws to support local businesses by giving a 10 percent pricing preference to local bidders. But a Long Island Index review found such laws are rare across the United States because they are seen as driving up prices and taxes and lowering quality.

Then, too, the villages got "a lot of freebies," Douzinas said. "I don't begrudge those communities those changes, they

LIRR CONTRACT #6240  
**Design-Build Services for LIRR Expansion Project from Floral Park to Hicksville**

from the Third Track Constructors contract documents



MTA Board member Andrew M. Saul discussing budget costs at MTA hearings.  
© Metropolitan Transportation Authority

## The villages got “a lot of freebies....But I’m not sure it would have happened otherwise.”

are probably well deserved, but it’s a little frustrating when you see the numbers skyrocket and go up. But I’m not sure it would have happened otherwise.”

The board approved the contract. For Picca and her colleagues, it was a “golden moment.”

### 21. The Work Begins

“We have been very aggressive about all the work in this project, both the environmental review and the procurement, and we are not going to stop at the contract award,” Picca promised the MTA board.<sup>121</sup>

With the contract signed, a limited notice to proceed was issued in January 2018. On the ground, most of the first year was spent on preparatory site work. While the MTA was working to obtain the needed transfers of land, 3TC’s “community ambassadors” fanned out through their assigned areas to get to know residents. In September 2018, Cuomo presided over a formal groundbreaking ceremony with business, transportation and government officials.

“This was very much a collective,” Cuomo said at an event at the Yes

We Can Community Center in Westbury.<sup>122</sup>

For the villages, it was just the beginning of an intensely busy few years, in which the plans are taking shape in a collaborative process designed to give virtually everyone a seat at the table.

“...We look at this as a partner with the MTA to get this project done,” New Hyde Park Mayor Lawrence Montreuil said. “That’s how we’ve been approaching this ever since the MOU was complete...and in the end, I think it’s going to be good for New Hyde Park.”

“It’s not a very difficult project!” said Mark Roche, the MTA’s executive leader of the project, a native of Ireland who has handled major public works jobs in the Philippines, Hong Kong and Malaysia. “There’s a lot to it...it’s a bit of a dance, it’s a bit of a jigsaw puzzle, but it’s not complicated. The issue is, it’s got 400 families down each side of it, and how do you work that so that you don’t upset them all?”

The railroad and the contractors have



Gov. Andrew Cuomo, center, with Long Island’s two county executives at the third track groundbreaking, September 2018. © State of New York



Sound and retaining walls under construction. Nearly nine miles of such walls will be built in the project area. © Metropolitan Transportation Authority

established a shared project home under one roof, so that design challenges can be addressed on the spot. Roche, who managed the design-build replacement of the Tappan Zee bridge, convenes monthly meetings with the mayors to discuss upcoming work, design issues, traffic concerns and logistics. The villages also have had day-to-day contact with the managers supervising the work in each area.

“What’s different here in a very simple nutshell: Decisions are made on site by me and nobody else,” said Roche, who has a rule that no decision drags on past Friday. “We don’t have to go back through an agency that adds 15 thousand layers - it’s almost like we’re an autonomous business.”

The ambassadors have adapted to suit their communities. That might mean providing a project update at a meeting at the village hall; in unincorporated areas, the ambassadors are networking with neighborhood groups, and walking around handing out fliers. While local officials say they have good relationships with the project team, the mood at public meetings still tends to range from grudging to caustic.

“You can well imagine, very often their reception is not very gracious by many people in the community,” said Garden City resident Kathleen Auro after attending one sweltering meeting in August 2018, “but they themselves are very, very nice people...they were very gracious in answering questions. And, I must say, never losing their cool.”





Covert Ave crossing in New Hyde Park today (upper left) and a rendering of the planned improvement.  
© Metropolitan Transportation Authority

In New Cassel in fall 2018, despite handing out hundreds of fliers in English, Spanish and Creole, 3TC only drew a dozen or so to a meeting about the impending grade crossing elimination that was soon to shut down Westbury's Urban Avenue for months. Lewi told Newsday that only showed the team needed to improve its outreach.<sup>123</sup> So they started to loop in local clergy, and to hand out information at other community events.

"Our big commitment is, before we are going to be doing anything, we are

**"Our big commitment is, before we are going to be doing anything, we are always going to be telling you."**

always going to be telling you," LIRR spokesman Hector Garcia told Garden City residents at another meeting.<sup>124</sup>

In addition to the MTA's prolifically detailed website, amodernli.com, residents can visit their own village websites, which post regular project updates, renderings, recent Power Point presentations and "look ahead" spreadsheets showing what is coming up nearby. And a "community benefit fund" funds quick fixes for small problems that can make a big difference in a village, like the crossing guard Floral Park needed for one intersection recently.

"It really is an orchestra of activity," Picca said in January 2019, with multiple work zones going on at any one time. Crews have to work fast without disrupting the neighborhood or interfering with each other - all while safely maintaining scheduled train service. During

off-peak periods, they can take one section out of service at a time and work around it, Picca said. Over the course of construction 15 full weekend outages are expected.

3TC has had incentives built into its contract that reward speedy completion of its work, currently scheduled for December 2022. It also is rewarded according to how well it abides by promises on quality-of-life issues such as noise, litter and safety, keeping traffic tie-ups to minimum and keeping construction crews off neighborhood streets. Residents living near the project site are invited to fill out a score sheet grading the contractor on these issues. If 3TC meets a target score, it earns a \$250,000 incentive for the quarter; if it fails, that money goes into an LIRR fund to reimburse villages for their expenses.

"We continue to be engaged," said Montreuil in late 2018. "I have a number of plans we are reviewing and giving input to 3TC and the MTA. It's an ongoing dialogue. I don't know how that message was communicated down from the governor from that meeting, but it's been communicated, and everyone seems to live that concept....It is a good setup."

Certainly not trouble free. New Hyde Park residents living along Covert Avenue were awakened by jack hammers and floodlights as utility crews began 24-hour-a-day excavation work to move lines. When they complained to their ambassadors, 3TC protested that problems caused by National Grid were beyond its control.

"So we escalated that to the MTA and sat down and had a meeting and said, 'Listen, you have to have 3TC be coordinator... they have to take ownership of



A 3TC community ambassador alerting New Cassel residents about work to come.  
© Metropolitan Transportation Authority

it," Montreuil said. "That was the early work. I think we are all learning from it."

The crews have gotten the message. When a water agency forgot to turn the water back on at the end of the day in early 2019, triggering a complaint, the homeowner's security cam later caught two workers sneaking up to the back door -- to leave a bouquet of mums, by way of apology.

"I don't think people realize it, but more and more of what we do is in everybody's backyard, and if we're not doing these kinds of things, well, how do we do anything anymore?" Roche reflected.

"We need everybody's support to get them done."



Image from homeowners security camera showing a worker sneaking up to the back door to leave a bouquet of mums, by way of apology. Homeowner image courtesy of Metropolitan Transportation Authority

## Conclusions

One of the first obstacles to fixing the Main Line's problems was defining them. Was the primary issue the lack of a third track, as the Long Island Association and commuter groups had been arguing, or the dangerous grade crossings, as residents and local motorists contended?

For the people who operated the LIRR, these were intrinsically connected problems that made sense to fix together, and not simply because of civil engineering work involved.

A third track was expected to allow the LIRR to run more trains on the Main Line, which would mean more crossing delays, noise, and danger. That danger was cast into stark relief yet again in 2019, when a pickup truck darted around a lowered gate at one of the crossings in Westbury slated for elimination: Three more deaths and a train de-

railment were added to the sad history of this stretch of track.

But during the years of private ownership when the costs would have been most manageable, the work wasn't done, perhaps because of financial pressures on the railroads. Then, just when the crossing work was both funded and required by the state, Robert Moses diverted those funds for his parkways. And soon the surging suburban population along Nassau's Main Line led to a classic NIMBY policy split that gridlocked the process for generations.

"Like all big mega-infrastructure developments, it came down to trying to address the typical not-in-my-backyard parochial perspective, against the broader good for the region as a whole," said RXR Realty Chairman Scott Rechler, who also chairs the Regional Plan Association and is seeking to redevelop the Nassau Hub area.

### LESSONS LEARNED

David Kapell, executive director of the Right Track for Long Island Coalition:

**Why it was so difficult to implement is really a story about Long Island: the fragmentation that tends to frustrate all regional progress. And what's interesting is that we overcame that problem with a combination of grassroots support, careful organization of regional support, and the governor's leadership. We learned you can overcome the fragmentation, the formal political and legal fragmentation with an informal process. You show broad support, grassroots support. That's what we were effective in doing, starting with the little task force at the Rauch Foundation, working quietly initially, and then much more loudly through the Right Track Coalition.**

### LESSONS LEARNED

Lisa Black, now deputy county executive/chief of staff to Suffolk County Executive Steve Bellone:

**I absolutely think it's a model process....If you establish a relationship and give people the ability to be respected and have an influence on the project, the project will only be better..**

**Long Island is even more unique in that everybody has something to say about everything: if it's foggy today, it's gotta be somebody's fault!**

**...But it's a model that should exist for every large-scale project - I hope that interpersonal communication still continues. What was original was we combined that with the work of Rauch and the third-track coalition.**

That parochial perspective thwarted the MTA's efforts in 2005. Years of methodical research and outreach by the Rauch Foundation and its allies managed to forge a broad regional consensus in favor of a third track that paved the way for Cuomo's involvement. But Cuomo also saw that the grade crossings would be an essential element of any upgrade in these busy crossroads communities.

For the Long Island Republicans whose unity had long been the key to GOP control of the New York State Senate, Cuomo's involvement posed a dilemma that intensified with time: Disregarding the intense opposition of residents along the tracks not only put their hold on the 7th district seat in peril, but risked tarnishing their brand as defenders of Long Island's suburban way of life. But Democrats now outnumber Republicans on Long Island,<sup>125</sup> Suffolk County is now home to more voters than Nassau, and the railroad's poor on-time record had become intolerable Islandwide.

So it's little wonder that a succession of

7th District senators became increasingly difficult to pin down on the third track issue. Ultimately that did not save them in the blue-wave midterm elections of 2018, which swept both Hannon and Phillips from office and gave Democrats control of the Senate.

"They pulled me out of a rabbit hole to run for this state Senate seat, and I've gone back into the rabbit hole, thank you very much," said Phillips, a former Goldman Sachs vice president.

Cuomo's forceful leadership was so critical to the success of the third track project that his involvement made it look inevitable. But he did not accept the challenge until he was satisfied that there was an effective coalition of local support to help him win state Senate approval.

By 2015, there had already been a number of coalitions formed over the years to push through the third track. They did not prevail against the multi-village coalition of project opponents known as CARE (Citizens Against Rail Expansion).

## What made the “Right Track for Long Island Coalition” successful?

### A long-term commitment by a nonpartisan foundation

“The (Rauch) foundation played a critical role in advancing this project, and essentially coalescing business, and civic, and ultimately political leadership for the project, despite the local opposition and the NIMBYism... (and) staying with this over an extended period of time,” said RPA’s Yaro. “It would not have happened without the foundation’s advocacy.”

This coalition owed its origins to a nonpartisan family foundation that had sought guidance from a true cross-section of the region’s constituencies, excluding only elected officials from its advisory council. The Rauch Foundation’s core competency was on using a systems approach for positive change-making for the region, and it couldn’t be bought. That gave it cross-sector credibility.

### Outstanding research, and strong relationships

The Rauch Foundation had gained its voice in the region’s policy dialog by founding the Long Island Index, which organized and published an extensive array of demographic and economic data about the region that became a valuable resource for planners and thinkers. It helped to focus discussions on the third track issue with a series of research reports by respected entities such as Regional Plan Association and HR&A Advisors that are credited with winning over regional opinion leaders

on the need for the politically unpopular project.

At the same time, the LIA’s Kevin Law had longstanding relationships of trust with diverse players central to the drama, which allowed him to maneuver, mediate and keep communication flowing even when things were at their most tense.

### Cross-sector collaboration - with no strings attached

The Right Track for Long Island Coalition’s campaign was well funded, but it operated on a handshake between the partners, who never signed a written agreement or formed a legal entity. Kapell thinks that spirit of informal collaboration allowed the coalition to overcome the jurisdictional and political fragmentation of Long Island in generating popular support.

“We never got tagged with any labels,” he said. “We were focused on one thing, and one thing only, and people understood that.”

### Influential stakeholders speak out

When the third track was proposed in 2005, Winthrop Hospital’s Charles Strain said, it didn’t occur to him to participate in the hearing process.

“In hindsight, I probably should have.... People’s view of it at the time was that this is a railroad problem and they ought to figure out how to get it done, when the reality was that they needed help.

“...This particular template, of putting an opposition to the NIMBY group that is a mixed bag of stakeholders - and

making sure somebody can coordinate getting them out - is the absolute critical thing that has to be done. It has to be energetic.”

That “energetic” aspect has been underrated, Strain believes: An awful lot of wrangling is needed to make sure that the most influential community leaders make time to show up at the hearings and meetings where their support can make a decisive difference, he says.

### The right wranglers

Here the choice of representation proved critical: Dave Kapell, Greenport’s ex-mayor, was respected as a peer and even a friend by adversaries as well as allies of the project, because of his documented success in the renewal of his own village. Kapell’s lack of a financial incentive or competing agenda made his salesmanship all the more effective.

“People feel that Dave was an important player out in the revitalization of Greenport,” Strain said. “And he’s got a community-minded view. We were not looking to build toxic dump sites here in the middle of Nassau County. We were trying to upgrade an aging, failing railroad.”

Said Phillips: “When I lost my re-election, one of the first people I reached out to was Dave Kapell... I bought him lunch! ...One might think Dave and I were on opposite ends, but we never were.”

### A hands-on commitment by a strong leader

“It cannot be said too often that what New York needs today is not vision, with which we have always been plentifully endowed in the past, but elbow grease.”

#### LESSONS LEARNED

**Mitch Pally, former MTA board member for Long Island:**

**It’s so much easier to be united behind it when you know the governor is leading.**

Robert Moses dedicated the Henry Hudson Parkway in 1936 with those words. In 2016 and 2017, Andrew Cuomo’s pursuit of the railroad expansion reminded more than one observer of Moses’ unwavering focus. Indeed, the mere news of his involvement immediately changed the odds.

But in contrast to Moses’ fabled ruthlessness, Cuomo surprised potential adversaries by making a habit of picking up the phone to check in with the village mayors about their concerns, from traffic safety and pest control to construction noise and bad press. Being listened to respectfully by the state’s highest official seems to have done much to soften their feelings. One of the project’s most stubborn Republican adversaries, Floral Park’s ex-mayor Thomas Tweedy, went on to buck his own party and join the Democratic ticket for Hempstead town board.

#### LESSONS LEARNED

**John Spellman, Mineola’s former attorney:**

**“It comes down to time, trust and timeliness: You have to take the time to build relationships of trust with people and communities. Sometimes people aren’t ready for things, and you’ve got to bring them along...Sometimes you might be rebuffed, but you go back, and find a different way.... Take the time, and do it right.”**

The nation's busiest commuter railroad expects to deliver big improvements in service when its third track project is completed.

© Newsday



“Governor Cuomo is a singularly focused individual,” said Jack Martins, the former Mineola mayor and state senator. “He had decided this was going to be the priority, and as the executive, he has the ability to make it a priority - notwithstanding what everyone else wants.

....And the governor himself was working it. For the governor to put himself in the room and to sit and actually negotiate and have those discussions was extraordinary....It makes a difference.”

Cuomo’s directive to develop a model process with an unprecedented level of outreach shaped the design-build contract itself, with its provisions for community ambassadors and 24-hour hotlines, as well as quarterly incentives based on how well crews are adhering to requirements for quick, neat, quiet work that minimizes disruption.

“For the construction industry, this is actually a national model that others can lift and use, because it is pretty comprehensive,” believes one participant.

By early 2019, 3TC was meeting or beating its targets, Rechler said, noting, “It definitely helps that everyone involved knows there’s an open line to the governor if need be.”

### Speed

Cuomo’s team and the LIRR shaved years off the timetable with two key choices: using the design-build approach and opting to forgo federal funding. That allowed them to set a pace fast enough not only to outflank the opposition, but to overcome the even more perilous force of bureaucratic inertia, which, by stretching the timeline of projects beyond the term in office of the elected official championing it, all too often consigns them to oblivion.

Designating itself as lead agency of the project’s environmental review prevented the railroad from requesting federal funding for the project, but allowed it to complete its environmental impact study in less than a year, whereas the 2005 review was shelved incomplete after more than three years.

Use of design-build procurement meant that the selection of contractors could proceed almost concurrently with the environmental review. A consultant hired by the villages complained that this led to an environmental review that was superficial and cut corners, predicting 3TC and the railroad couldn’t realistically complete the job within the prom-

ised time frame - which could impose harsh impacts on residents and businesses in the project area. But the Main Line mayors signed memoranda of understanding that constrain their ability to sue over any delays. Time alone will confirm the true cost of the approach taken, but the failure of Mineola’s prolonged attempts to lower grade crossings had already shown what can happen when too many levels, branches and agencies of government are involved in designing and funding a project.

### Cuomo’s commitment to avoid residential takings

Many contend the 2016 effort succeeded primarily because Cuomo compelled the railroad to contain the project almost entirely within its own right of way. That limited residents’ legitimate cause for complaint and created a more benign image for the project Islandwide. It also limited opponents’ potential leverage in a court challenge.

Critics understood that the state wasn’t asking them to allow a third track - it was telling them that one was on the way.

“I don’t know if they (mayors) really want to embrace it as much as, they probably feel at this point in time it’s pretty difficult to resist it,” said Westbury’s former mayor Ernest Strada.

### Cuomo’s case for the project

A third track offers so many advantages that over the years advocates used a variety of approaches to sell it to the public. But many were ineffective, and some backfired.

“The editorial board kept pounding away on it that we needed this for the

reverse commute,” Newsday’s editorial board editor Rita Ciolli said. “Never for reliability of service and more service, which was the smarter argument to make....To expand business out here you need talent, and you cannot get somebody out from Brooklyn to a job in Mineola at any reasonable time.... It is an important argument, but it wasn’t a politically winning argument,” she said.

It certainly didn’t sell in the project area.

“Lower-income jobs out east would not pay workers enough money to cover the high cost of tickets for reverse commutation,” Floral Park trustee Archie Cheng insisted in 2016. “Why create added competition for these jobs when Long Island residents need employment?”<sup>126</sup>

And the promise that a third track would allow for expanded freight traffic became one of the most inflammatory issues in both environmental reviews, continuing to flare up long after the railroad withdrew the claim.

“I also firmly believe (should this go through) that there will be MORE freight trains running than now,” resident Bruce Hecht commented in the 2017 EIS.

### LESSONS LEARNED

Former LIRR president Helena Williams:

**If you ask me, there was a perfect moment in time that came together with a very strong governor, with the right push from Long Island, a.k.a. Kevin and David and other people they lined up, which made that project happen. And if it weren’t for them I’m not sure this project would have happened.**

“What will be their contents? Dangerous chemicals or other toxic substances? A MAJOR CONCERN!”<sup>127</sup>

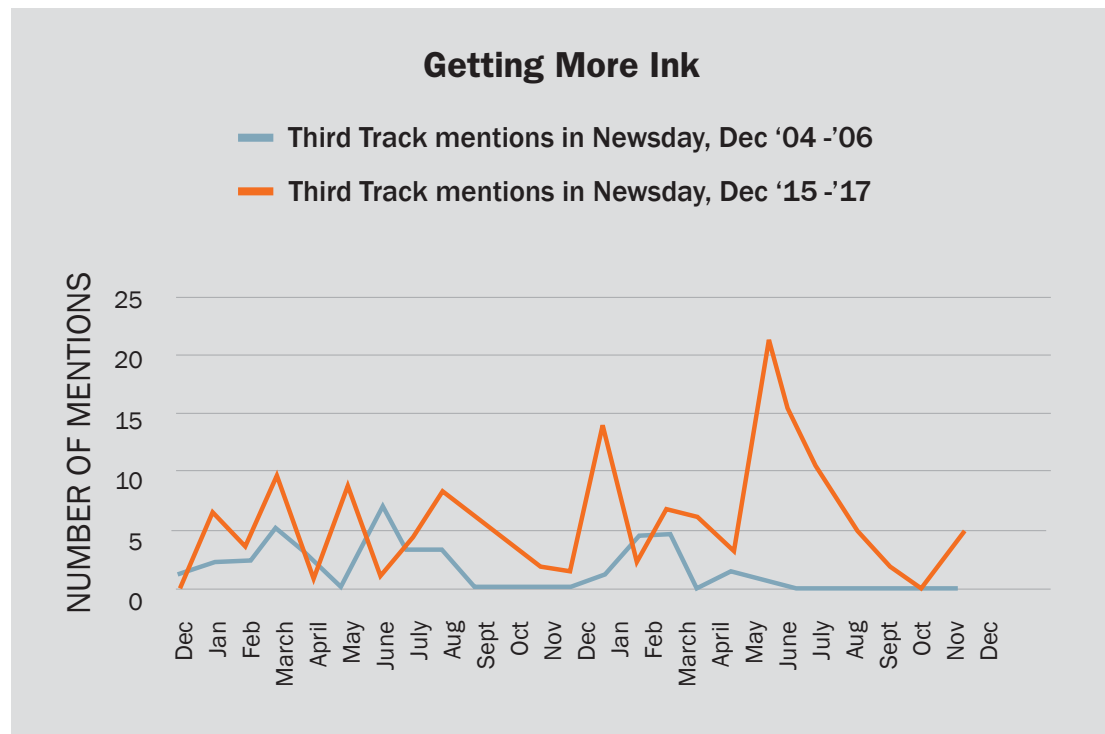
In 2016, Cuomo and the LIRR instead focused on safety and reliability as the two top selling points of the project, offering benefits even to the project’s fiercest opponents. Kapell made a point of emphasizing the peace and quiet that would descend on Main Line neighborhoods once the trains were running behind new sound walls, and no longer needed to blow their horns. On Long Island, the promise of peace and quiet has generally proven to be the most compelling argument for any project.

**Media support**

Newsday became Long Island’s dominant shaper of public opinion soon after its founding in 1940, and it began

pushing for better express service and the elimination of grade crossings within its first weeks of publication. It became increasingly focused on the building of a third track as the MTA’s work on East Side Access came closer to fruition in the 1990s. Like the Rauch Foundation, Newsday continued advocating for the project even when it had become politically untouchable, and the paper’s tenacious focus left elected officials no room for double-talk when the time came to count votes in the state Senate.

But reporters also had more straight-news stories to write about the project after 2016, when Cuomo’s team and the Right Track Coalition were strategic about scheduling events and deftly managing political drama with an eye to winning positive coverage. This, too, contributed to a general sense of momentum.



Analysis of news, editorials, op-eds and letters mentioning the third track in Newsday during listed period. Data Source: Proquest.

**Finally: Listen to the NIMBYs!**

Said New Hyde Park Mayor Lawrence Montreuil: “I’m always tempted to say to folks who throw the NIMBY terminology around and criticize people who are at risk of taking the brunt of any sort of situation like this, “perhaps you’d like to do a house swap?”

But if elected officials, the press and the nonprofit sector were used effectively to overcome NIMBY resistance to the third track project, Cuomo had also listened to the NIMBYs better than anyone had before. Cuomo’s initial plan already was more responsive to local concerns about residential takings than the 2005 plan had been, and over 18 months of intensive negotiations the state added a smorgasbord of other concessions. This could be claimed as a vindication of sorts for the state senators who had blocked approval of the plan for so long: They can argue that, far from ducking their responsibilities of office, they had fulfilled them.

Said Phillips: “I believe the intention was that there would be tremendous community input. Some of those inputs would not had happened had we not pressed back...just slowing down the process and making sure all the T’s were crossed.”

Said Martins: “It’s an interesting case study on, over time, you can actually get something done....Some people will say (the villages) got bought off. I don’t believe that. The reality is if there is a consensus that there is going to be a benefit to Long Island regionally from the third track, then in those communities that are most impacted, the impacts should be addressed.”

The lessons are still being learned in real time.

**LESSONS LEARNED**

**Ann Corbett, former Floral Park mayor and a founder of Citizens Against Rail Expansion:**  
**They have the right of way. In the end, they can do whatever they want....Equipment running all night long, vibrations, all kinds of stuff. But they say, ‘Oh, we’re not going to work 24 hours a day unless it’s really important to do it.’ But it’s always important.... I’m not getting involved any more. I’d just really rather not even talk anymore about it.**

**Kathleen Auro, Garden City resident, a critic:**  
**Don’t buy across the street from the railroad tracks. Don’t buy near a major parkway, or the Long Island Expressway, because they keep adding lanes and lanes.**

**Lawrence Levy, Executive Dean, National Center for Suburban Studies, Hofstra University:**

**Cuomo is a powerful and effective politician who finally got it right, because he was able to add other benefits, as they should have done in the first place....All politics is local....Successful developers on Long Island have finally learned that the first thing you have to do is talk to the little people and get buy-in.**

**Former Garden City Mayor Nicholas Episcopia, an opponent:**

**When you have three mayors against this, and they all go out of office at once, and the people who come in are wishy-washies and they decide that this is something we’ve got to do, or negotiate with them because we can’t fight it – it’s bound to happen, yeah.”**

**LESSONS LEARNED**

Westbury Mayor Peter Cavallaro:

One lesson I learned, I think, is that the demographics on Long Island are not the same as they were 10 or 15 years ago. I think you see it in this project. There were people who rely on the railroad...and supported it. There were people who rely on the railroad...and supported it. Maybe in the past you had a preponderance of people who were just negative, because the railroad didn't mean anything to them.

People realize you need to redevelop....You need to orient to the future. You need to make your community sustainable, and allow people to get back and forth to work....They have come to realize that if you stay the same, you basically struggle and die.

“Even now, that level of engagement at the local level continues, with monthly meetings of all the mayors of all the municipalities that are being impacted, to try to make sure things are as smooth as possible,” notes Rechler, who said he’s following a similar approach at the Nassau Hub, the site of another history of frustrating failures.

The lessons, Rechler says, are clear: “You’ve got to engage stakeholders throughout the process and even once you’re moving forward. The more communication and transparency and open dialog you have, the more likely you’ll be not to run into a pitfall, or a critic for the sake of being critics. ...We already have been having a series of stakeholder meetings from the school board to the local town board members to legislators to labor, and we haven’t even gotten

through the county legislature yet.” RXR has been convening two or three meetings a week, and in an approach Rechler called “a little more unique,” for his shop, they’ve been soliciting input before shaping their plans.

“We want input at the beginning,” he said, “versus (the community) having to react to it.”

In the end, it was careful listening that resolved this intractable problem: First, it took methodical analysis and then dialog among the region’s thought leaders, a collaborative process that helped to redefine Long Island’s self-image and the Long Island Rail Road’s central place in it - and to make the case that this one prosaic stretch of track merited an extraordinary investment by the governor and state. The political impasse was only broken after the governor’s intensive, patient listening to local officials that led to a holistic redefinition of the problem, one in which local safety and traffic concerns were an intrinsic element, and not a mere afterthought to regional transportation needs. With everyone at least heard, political fragmentation gave way to a broad regional consensus.

**LESSONS LEARNED**

Tom Prendergast, former MTA chairman:

“I can’t even begin to tell you how much it will make a difference.”

**PART VII**

**Map**

**Number of Tracks on LIRR Train Lines**



Map by Regional Plan Association

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Additional research and interviews were conducted by Abigail Cain.

#### **About the Rauch Foundation**

The Rauch Foundation is a Long Island-based family foundation that invests in ideas and organizations that spark and sustain early success in children and systemic change in our communities. The Foundation was established in 1961 by Louis Rauch and Philip Rauch, Jr. Funding for the Foundation was made possible by the success of the Ideal Corporation, an auto parts manufacturer founded in 1913 by their father, Philip Rauch, Sr.



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