



April 6, 2021

Via Email

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

**Re: Environmental Justice Impacts of Proposed LaGuardia Airport Airtrain
Warrant Additional Federal Review Before FAA Approval**

Dear Secretary Buttigieg:

The Federal Aviation Administration (FAA) is poised to issue a final Record of Decision for its environmental impact review of the proposed AirTrain that would carry passengers between the Mets-Willets Point Subway Station and the LaGuardia Airport in East Elmhurst, Queens, New York. The controversial project would tower over a 2,100-foot stretch of the World's Fair Marina and Flushing Bay Promenade.

The FAA's review process has had significant flaws. Specifically, the agency has failed to garner public engagement from linguistically isolated communities prior to and throughout the environmental review and has failed to plan meaningful mitigation for the condemnation of a public waterfront park. Moreover, new information has come to light that tends to show that the FAA has undermined a review of transit alternatives that might better serve the region while imposing fewer environmental impacts on local communities.

The AirTrain would be located in the "World's Borough," Queens, where roughly 160 languages are spoken. While the borough's polyglotism has significant advantages, when it comes to development of major infrastructure projects linguistic isolation can make it extremely difficult for affected members of the public to engage in an environmental impact review process. High rates of linguistically isolated households are found in the affected nearby communities of Flushing, Corona and Jackson Heights. East Elmhurst, the neighborhood that abuts the airport, has a large Spanish speaking population. The FAA never meaningfully engaged these linguistically isolated communities in the environmental review process prior to or during the Draft Environmental Impact Statement phase, as evidenced by their relative lack of participation in the public comment process. FAA's outreach and project documents were written primarily in English and it did not provide simultaneous translation at its public meetings, some of which were held only online via Zoom due to the pandemic.

By contrast, Riverkeeper and our local partners held multiple forums with coalition partners where we performed outreach in multiple languages and provided simultaneous interpretation. At these forums, we garnered comments and participation in multiple languages, primarily Spanish in addition to English. Many of our partners in Flushing, where there is a high concentration of East Asian immigrants speaking English as a second language, have expressed that their communities were rarely engaged in this issue outside of our forums. The lack of participation from linguistically isolated neighborhoods was not due to lack of interest, but instead to a lack of robust engagement. We urge you to meaningfully consult these communities prior to issuing the Record of Decision.

Despite the significant impacts on the waterfront promenade park from overhead rail, FAA has eschewed mitigation planning, leaving it instead to the project applicant, Port Authority of New York & New Jersey, to later determine. To date, Port Authority has publicly committed to spend \$16.5 million in total on undetermined parkland improvements. That figure equates to \$1.25 million per acre for the 13.16-acre park. By comparison, the New York City Economic Development Corporation recently funded \$165 million (\$15 million per acre) for Hunter's Point Park South Park; Brooklyn Bridge Park had a budget of \$347 million (\$4.13 million per acre); and Domino Park in Williamsburg, Brooklyn, cost \$50 million (\$4.5 million per acre). Compared to these projects, the Port Authority's proposed mitigation is woefully incomplete and inadequate, short-changing the park users and local environmental justice communities. We urge you to commit to just parkland mitigation for the project and to complete preliminary planning prior to issuing the Record of Decision.

We also hope to obtain your oversight on project selection. It has recently come to our attention that in March 2019 the FAA critiqued the applicant's initial review of LaGuardia Airport transit alternatives, for, among many other things, failing to accurately describe the benefit of the proposed AirTrain; unexplained cherry-picking of selection criteria; unevenly applying selection criteria among alternatives; and excluding viable and desired ferry service from consideration. I have attached the FAA's critique of the initial alternatives review. Many of these same deficiencies continue to pervade FAA's final alternatives analysis. We urge you to seek an explanation from the FAA regarding why it feels these deficiencies have been remedied in its final analysis. Given the FAA's recent change in policy (PFC Update, PFC 75-21) that will allow use of passenger facility charges for rail construction that serves local communities in addition to airports, we believe the FAA and Port Authority can and must evaluate a better alternative for this region and for our communities.

Thank you for your consideration of our requests. You can reach me at (914) 478-4501 or at mdulong@riverkeeper.org. We look forward to hearing from you.

Respectfully submitted,



Michael Dulong
Senior Attorney

Enclosure

Cc:

Hon. Kirsten Gillibrand, United States Senator
Hon. Chuck Schumer, United States Senator
Hon. Alexandria Ocasio-Cortez, United States Congressperson
Hon. John Liu, New York State Senator
Hon. Jessica Ramos, New York State Senator
Hon. Jeffrion Aubry, New York State Assembly Member
Hon. Ron Kim, New York State Assembly Member
Hon. Costa Constantinides, New York City Council Member
Hon. Peter Koo, New York City Council Member
Hon. Francisco Moya, New York City Council Member
Hon. Paul Vallone, New York City Council Member
Hon. Donovan Richards, Queens Borough President
Queens Community Board 3
Queens Community Board 4
Queens Community Board 7
Maria Belen-Power, White House Environmental Justice Advisory Council
Jerome Foster, White House Environmental Justice Advisory Council
Andrea Delgado, White House Environmental Justice Advisory Council
Maria Lopez-Nunez, White House Environmental Justice Advisory Council
Michele Roberts, White House Environmental Justice Advisory Council
Nicky Sheats, Ph.D., White House Environmental Justice Advisory Council
Peggy Shepard, White House Environmental Justice Advisory Council
Cecilia R. Martinez, Ph.D. White House Council for Environmental Quality
Christopher Coes, United States Department of Transportation
Carol A. Petsonk, United States Department of Transportation
Andrew Brooks, United States Federal Aviation Administration
Karen Martin, United States Environmental Protection Agency
George QE Ward, United States Environmental Protection Agency
Janice Melnick, Flushing Meadows Corona Park Administrator
Warren Schreiber, LGA Committee of the New York Community Aviation Roundtable
George Dixon, President, NAACP Corona/East Elmhurst Chapter
Frank Taylor, Ditmars Blvd Block Association
Larinda Hooks, East Elmhurst Corona Civic Association
Edwin O'Keefe Westley, Jackson Heights Beautification Group
Tania Mattos, Queens Neighborhoods United
Taehoon Kim, Greater Flushing Chamber of Commerce
Juan Restrepo, Transportation Alternatives
Sarah Ahn, Flushing Workers Center
Alex Herzan, NYC Empire Dragon Boat Team
Good Jean Lau, Wall Street Dragon Boat Team
Kevin Montalvo, Queens Distance Runners