



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 73

TO THE SENATE:

I am returning herewith, without my approval, the following bill: AUG 05 2008

Senate Bill Number 6728-A, entitled:

“AN ACT to amend chapter 635 of the laws of 1987, establishing the Oak Brush Plain State Preserve, located on Long Island, in relation to the acquisition of lands previously compromising Pilgrim State Hospital”

NOT APPROVED

This bill, which transfers property from Pilgrim State Hospital (Pilgrim) to the Oak Brush Plain State Preserve (Preserve), would foreclose a long-standing plan to reduce truck traffic on Long Island, and in the Bronx and Queens.

For many years the Department of Transportation (DOT) has been designing a project called the Long Island Truck/Rail InterModal (LITRIM), to be located on surplus property of Pilgrim. LITRIM would reduce truck traffic by 156,000 truck trips per year by shifting freight from trucks to rail. On Long Island, only 1% of all freight moves by rail, but the national average is 15%. Furthermore, LITRIM would reduce carbon emissions by 3,448 tons since 455 tons of goods can be delivered per gallon of fuel by rail versus 105 tons of good per gallon of fuel by truck.

Currently, the LITRIM project is going through an environmental impact review which is also required for every public project in the State that has significant environmental effects. Enactment of this bill would end this process and forever block the only opportunity to build LITRIM at Pilgrim, which may have enormous benefits for the residents of both Long Island and New York City in improving congestion and air quality. Neither I nor DOT have made any determinations yet as to whether a LITRIM facility of any size is appropriate on surplus property of Pilgrim. The best way for this determination to be made is to continue with the environmental impact analysis of LITRIM, which is a public process.

Regardless of whether LITRIM gets built at Pilgrim, I understand that the area is extremely congested, particularly Commack Road. The Long Island Association, AAA New York State, Railroads of New York, the Long Island Federation of Labor, Sustainable Long Island, the Regional Plan Association, the Environmental Defense Fund, the Tri-State Transportation Campaign and the New York League of Conservation Voters have recommend I veto this bill because they want a solution to the areas' traffic woes, which will also benefit the environment. However, the Citizens Campaign for the Environment, the Long Island Pine Barrens Society, the Friends of the Edgewood Preserve, and the Sierra Club Long Island Group, recommend this bill be approved in an effort to arrest the unbridled development in the area. The towns surrounding the Pilgrim site have undertaken a variety of economic development projects but have not yet coordinated a regional traffic plan to mitigate gridlock, which has raised air quality concerns. Sections of the Pilgrim property may be valuable in addressing these issues, and I am not prepared to foreclose opportunities to use surplus property from Pilgrim, which may include pre-existing roadways, to remedy this situation.

Finally, the Preserve may benefit from additional surplus lands from Pilgrim, however, sections of this property have been found to be significantly disturbed and degraded since it is used to serve industrial purposes. For example, there are sewer lagoons on the site. This bill is

ambiguous as to whether all property intended for the LITRIM is intended to be transferred to the Preserve or only “where native foliage may reasonably be reestablished.” There is no commonly accepted standard for “reasonableness” in evaluating where native foliage is to be reestablished. The bill does not appropriate any money for native vegetation restoration, or remediation for any of the property. If land is to be transferred to the Preserve, it should be land of ecological value.

DOT must move forward toward issuing a Final Environmental Impact Statement before any decision can be made regarding whether LITRIM will be built at Pilgrim. I commend the leadership of Assemblyman Ramos for his outstanding advocacy on behalf of the Brentwood community. In the interim, I am asking DOT, the Department of Environmental Conservation (which maintains the Preserve), and the Office of Parks, Recreation and Historic Preservation (which has jurisdiction over the Sagtikos Parkway), to meet with federal, State and local leaders, as well as civic and environmental groups, especially Friends of the Edgewood Preserve and the Four Towns Civic Association, and private developers, and develop a comprehensive regional traffic plan to present to both the Legislature and myself early next year.

The bill is disapproved.