

**Reinvent Albany • Common Cause/NY  
Community Service Society • Environmental Advocates NY  
Make the Road New York • NYPIRG/Straphangers Campaign  
Riders Alliance • Permanent Citizens Advisory Committee to the MTA (PCAC)  
Sierra Club Atlantic Chapter • StreetsPAC • TransitCenter  
Transportation Alternatives • Tri-State Transportation Campaign**

In Support of  
**Ditmars Boulevard Block Association  
Guardians of Flushing Bay • Riverkeeper  
Sensible Way to LGA Coalition**

September 23, 2021

Kathy C. Hochul  
Governor of New York State

Majority Leader Andrea Stewart-Cousins  
New York State Senate

Speaker Carl Heastie  
New York State Assembly

**Re: Request to halt the proposed Laguardia (LGA) AirTrain until a credible and transparent alternatives analysis is performed and alleged political manipulation of EIS by ex-Governor Andrew Cuomo's administration is investigated.**

Dear Governor Hochul, Majority Leader Stewart-Cousins and Speaker Heastie,

Our groups write to ask you to halt the \$2 billion LaGuardia Airtrain project until a credible and transparent alternatives analysis is performed. We are extremely concerned about allegations raised by members of the Port Authority staff to their board of directors in an August 11, 2021 letter<sup>1</sup> that was reported by the *NY Daily News*. The letter alleges that ex-Governor Andrew Cuomo's administration politically influenced the Port Authority to "...manipulate the Environmental Impact Statement process to... guarantee the selection of governor Cuomo's predetermined preferred alternative. "

We note that the Sensible Way to LGA community coalition and the respected environmental group Riverkeeper, who have both been deeply engaged throughout the environmental review process, have also asked for a halt to the project and find the Port

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<sup>1</sup> Guse, Clayton. "Cuomo's departure leads Port Authority staffers to demand agency halt his LaGuardia AirTrain plan." August 10, 2021. New York Daily News.  
<https://www.nydailynews.com/new-york/ny-port-authority-staff-laguardia-airtrain-protest-20210810-lljd2ohofzaolkzgvj4jvb52eq-story.html>

Authority's whistleblower's allegations credible enough to warrant an outside investigation.

### ***FAA Concerns About Alternatives Analysis***

In April 2021, Riverkeeper published a communication from the Federal Aviation Administration (FAA) showing FAA officials were concerned that the Port Authority's EIS emphasis on certain criteria unfairly eliminated alternatives to the Port Authority's preferred AirTrain. FAA officials wrote that the Port Authority's approach "leads to arbitrary and unevenly applied criteria." The FAA letter added that this type of review "only allows one alternative to possibly meet the criteria."<sup>2</sup>

### ***AirTrain Proposed Before Major 2021 FAA Change Allowing Flexible Transit Funding***

Early in 2021, the FAA revised its rules so that "rail lines that do not exclusively serve the airport are now eligible to be funded by Passenger Facility Charges." The Port Authority started the LGA AirTrain in 2017 under old FAA rules that restricted Passenger Facility Charges to transit projects that solely served the airport. This is a major policy change by the FAA and should be fully factored into the alternatives analysis.<sup>3</sup>

### ***Port Authority's Alternatives Analysis Criteria Ruled Out Bus Rapid Transit and Other MTA Options Using a Protected Right-of-Way. Oddly, Only Gondola Service and Other "Fixed Guideway" Airtrain-Type Proposals Came Close***

In our review of the Port Authority's alternatives analysis, it appears that the criteria used resulted in gondola service being the only alternative that was closely competitive with the "fixed guideway" airtrain-type proposals. The Port Authority's proposed alternative was the only option which met all the criteria. Bus, ferry, and subway extension alternatives met even fewer of the Port Authority's criteria, with faster buses failing to advance beyond step one of the two-step review.<sup>4</sup> These limited conclusions for an environmental review are unusual and merit further review.

Again, we urge you to halt the LGA AirTrain project until an independent investigation can assess the claim that the alternatives analysis was manipulated by the previous governor's office, and a new and transparent alternatives analysis is performed.

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<sup>2</sup> Meyer, David. "Docs show Port Authority fudged LGA AirTrain benefits, advocates say." April 7, 2021. New York Post. <https://nypost.com/2021/04/07/documents-show-port-authority-fudged-lga-airtrain-benefits/> See also documents obtained from Riverkeeper, page 302

<https://www.riverkeeper.org/wp-content/uploads/2021/04/Additional-Response-PRA-No.-19796-Redacted.pdf>

<sup>3</sup> PFC Update, PFC 75-21, FAA Jan. 12, 2021

[https://www.faa.gov/airports/pfc/pfc\\_updates/media/pfc\\_75\\_21\\_rail\\_access\\_policy.pdf](https://www.faa.gov/airports/pfc/pfc_updates/media/pfc_75_21_rail_access_policy.pdf)

<sup>4</sup> Port Authority Final EIS Alternatives Analysis. See pages 109-111.

[http://ricondoprojects.com/LGAAccess/final/5-LGA\\_Final%20EIS\\_02\\_Alternatives\\_20210312.pdf](http://ricondoprojects.com/LGAAccess/final/5-LGA_Final%20EIS_02_Alternatives_20210312.pdf)

We thank you for your attention to this matter. Should you have any questions, please contact Rachael Fauss, Senior Research Analyst at Reinvent Albany, [rachael@reinventalbany.org](mailto:rachael@reinventalbany.org) or 518-859-5307.

Sincerely,

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