

**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

U.S. Senator Charles Schumer

U.S. Senator Kirsten Gillibrand

Representative Jamaal Bowman
Representative Yvette Clarke
Representative Adriano Espaillat
Representative Andrew Garbarino
Representative Hakeem Jeffries
Representative Mondaire Jones
Representative Nicole Malliotakis
Representative Sean Maloney
Representative Gregory Meeks

Representative Grace Meng
Representative Jerry Nadler
Representative Alexandria Ocasio-Cortez
Representative Kathleen Rice
Representative Tom Suozzi
Representative Ritchie Torres
Representative Nydia Velázquez
Representative Lee Zeldin

Re: Request to halt the proposed Laguardia (LGA) AirTrain and investigate alleged political manipulation of EIS by ex-Governor Andrew Cuomo's administration

Dear Members of the NYC Metro Area Congressional Delegation,

Our groups write to inform you that we have requested that Governor Kathy Hochul and the New York State Legislature 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 letter¹ that was reported by the *NY Daily News*. The letter alleges that ex-New York Governor Andrew Cuomo's administration politically influenced the Port

¹ 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 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 have also asked for a halt to the project and find the Port 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 proposed 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.”²

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.³

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.⁴

² 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>

³ 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

⁴ Port Authority Final EIS Alternatives Analysis. See pages 109-111.

http://ricondoprojects.com/LGAAccess/final/5-LGA_Final%20EIS_02_Alternatives_20210312.pdf

Again, we believe that the LGA AirTrain project must be halted 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.

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 or 518-859-5307.

Sincerely,

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Sierra Club Atlantic Chapter

David Jones
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Eric McClure
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StreetsPAC

Peter Iwanowicz
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Environmental Advocates NY

David Bragdon
Executive Director
TransitCenter

Theo Oshiro
Co-Executive Director
Make the Road New York

Danny Harris
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Transportation Alternatives

Lisa Daglian
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Rena Reynolds
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