



NEW YORK STATE SENATOR
BRAD HOYLMAN

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COMMUNITY BOARD FOUR

February 2015

Dear Neighbor:

I hope you and your family are having a good start to the New Year.

As I'm sure you know, we began the legislative session in Albany with news of yet another scandal that unfortunately will further undermine public trust in our state government. Since being elected to office, I've made ethics reform and government transparency a top legislative priority, having introduced more than a dozen separate bills in this area, including creating the crime of undisclosed self-dealing by legislators (S.500), restricting the personal use of campaign funds (S.44), prohibiting the use of campaign funds for legal fees (S.338), forfeiture of legislative pensions upon state court or felony convictions (S.125 and S.126), and barring state employees in policy-making positions from using their office for political fundraising (S.510).

As we've seen in recent weeks, another serious flaw in our state ethics laws concerns the outside income of some legislators, the details of which are often shrouded in secrecy and can contribute to conflicts of interest. The first bill I reintroduced this year, S.34, would impose the same restrictions on Albany lawmakers that apply to the U.S. Congress by sharply limiting outside income and banning fiduciary relationships, such as the practice of law. Just yesterday, the Governor delivered a strong address demanding ethics reforms and as a result I'm hopeful that both houses of the legislature will support this proposal. The New York Times recently editorialized in support of my legislation, which is attached.

Below is a summary of some of my other activities since my last report to Community Board Seven. Many of my attached letters, testimonies, and press releases may also be found on my website at hoylman.nysenate.gov.

If you have any ideas, questions, or concerns, you can always contact me or Tara Klein in my office at 212-633-8052 or via email at tara@bradhoylman.com.

Best regards,

Brad Hoylman
State Senator
27th District

Committee Assignments for the 2015-2016 Legislative Session

Last month, I was appointed to serve as the ranking Democratic member of the Senate's Environmental Conservation Committee and again as the ranking member of the Committee on Investigations and Government Operations. I will additionally serve as a member of the Judiciary, Health, Cultural Affairs and Tourism, Aging, and Local Government committees. I look forward to representing you in Albany over the next two years and will continue to fight to restore people's trust in government, protect our precious natural resources, and provide a voice for our state's most vulnerable citizens.

Funding for Runaway Homeless Youth

On January 16, I wrote to Governor Cuomo to request that he allocate \$4.75 million for Runaway and Homeless Youth in the Executive Budget to create new beds to address the 5,041 annual instances when children are turned away from shelters because of overcrowding. In the past 90 days alone, shelter providers across New York State have been forced to refuse entry to nearly 400 children because of the lack of beds. Help for our state's homeless youth is a moral imperative to protect innocent kids from exploitation of life on the street and over the next month I'll be working with advocates to address this oversight in our state budget. Please see my letter attached.

Illegal Hotels Testimony

On January 20, I submitted testimony to the New York City Council regarding the explosive growth of illegal hotels, also known as "short-term rentals," and their effect on our communities. I represent neighborhoods with the highest number of illegal hotels in New York City, including Hell's Kitchen, Chelsea, the Village and the Lower East Side – areas which, according to data released by Attorney General Eric Schneiderman, accounted for one third of units booked and 55% of illegal hotel revenue from 2010-2014. Illegal hotels create a number of quality of life and safety concerns for neighboring residents while undermining our rule of law and diminishing our housing stock. Please see my letter attached.

Calling Out Anti-Choice Lawmakers

As its first major legislative action of 2015, the Republican-controlled State Senate passed only a portion of the Women's Equality Agenda, falling short of the Governor's ten-point plan and excluding a measure that would codify a woman's right to choose. The Senate is trumpeting these bills as a "comprehensive package" to protect women, but it failed to include the basic reproductive health protections as set forth more than forty years ago in *Roe v. Wade*.

The bills passed by the Senate included legislation to stop human trafficking; ensure equal pay for equal work; combat sexual harassment in the workplace; end gender discrimination in employment, housing and credit decisions; make reasonable work accommodations available for pregnant women; and provide stronger protections for domestic violence victims. These are all necessary measures that I support. However, as I stated on the Senate floor, I view the partial package as a cynical ploy by the Senate leadership to provide political cover to anti-choice lawmakers at a time when laws ensuring access to reproductive healthcare have come under attack across the country.

My Legislation to Close Charter School Loopholes

Over the past few months, many parents and community members were shocked to learn of a loophole that allows charter school operators to change the location of a new school application after it has been approved by State University of New York Charter Schools Committee, as long as the school site remains in the same borough. This loophole allowed a charter school, which had applied to School District 2 to change to School District 1 after approval – dodging public hearings in the affected community. This loophole as it currently exists is a detriment to our communities and I am introducing legislation this month to require charter schools to hold public hearings prior to their authorization by SUNY in the actual school district where they are seeking to locate. Please see the Daily News article about my efforts attached.

Testifying on the Cross Harbor Rail Freight Tunnel

On January 23, I testified before the Port Authority of New York & New Jersey and the Federal Highway Administration on the Cross Harbor Freight Program, a major plan to ease truck congestion and foster more efficient, cost-effective and environmentally sustainable movement of goods throughout our region. Currently, New York City is the only major city in the country that is not connected to the national freight rail network. It is clear that the best long-term strategy is to construct a double-stack, double-track rail tunnel known as the Cross Harbor Rail Freight Tunnel that will help get trucks off of our roads and make our neighborhoods safer. I thank my colleague, Congressman Jerrold Nadler, for his historic leadership advocating for the Cross Harbor Rail Freight Tunnel for nearly 30 years. Please see my testimony attached.

Criticizing Senate Republicans' "Back Door Vouchers" Proposal

Two weeks ago, I was proud to join many of my colleagues in opposing the Senate Republicans' proposed Education Income Investment Act, which would provide tax credits to wealthy donors and corporations supporting private and religious schools. This bill is not only a corporate giveaway, but it also undermines two longstanding American principles – free, universal public education and the separation of church and state. I'm very concerned this legislation would siphon off money from the State's general fund that should be used to support our public schools, which are still underfunded by more than \$5 billion. You can see my floor remarks on the bill at <http://bit.ly/1AYSnsQ>.

Google Computer Science Summer Institute for High School Seniors

This summer, Google will be hosting their eighth annual Computer Science Summer Institute (CSSI), a three-week introduction to computer science for graduating high school seniors with a passion for technology — especially students from historically underrepresented groups in the field. The day camp will be held in New York City from July 20th through Aug 7th. The application deadline is March 5, 2015. Please visit www.google.com/students/cssi for more information and to apply.

The New York Times

Sheldon Silver and New York's 'Caldron of Corruption'

By **THE EDITORIAL BOARD** JAN. 30, 2015

Now that Sheldon Silver has been pressured into agreeing to resign as speaker of New York's Assembly after his arrest on corruption charges, the governor and the lawmakers who so poorly represent the state should not kid themselves into thinking they have made real progress on cleaning up what the federal prosecutor who indicted Mr. Silver called the "caldron of corruption" in Albany.

In theory, the Democrats who control the Assembly should be able to pick a successor who is committed to good governance and ethics reform, but already the signs of back-room dealing and meddling from party hacks are not encouraging. And even a good choice would not be enough. Without real change, New York's lawmakers could simply continue to rob the public of more than money, as the United States attorney for the Southern District of New York, Preet Bharara, said recently. These lawmakers cheat New Yorkers of the honest and productive representation they need and deserve.

If this is not the moment for change, then when?

Gov. Andrew Cuomo needs to lead the way, to turn his abstract promises of reform into tough laws that make a difference. Legislators who stand in his way can no longer hide behind the well-worn tricks used by the likes of Mr. Silver and other leaders in Albany to avoid accountability and real change.

What's at issue is the present and future governance of a state with nearly 20 million people and a budget of \$150 billion, which is larger than that of many nations, including Finland, Venezuela and Egypt. The state's 214 lawmakers not only influence the way people live across the state, but they have a chokehold on taxes, development, traffic and even education in New York City.

Over the last decade, more than 30 state officials have gone to prison or been accused of sexual or civic wrongdoing ranging from bribery to stealing state money and extortion. The group of 30 includes several lawmakers accused of sexual harassment. One governor resigned in scandal, a comptroller — the watchdog of the public purse — was jailed for fraud.

Of Albany's many ethical problems, here are the three most urgent. In each case, we offer an ideal, long-term solution and a short-term "until then" fix.

Outside Income

Mr. Silver is accused of using his law practice to rake in millions of dollars while helping clients in Albany. It's hard to imagine lawmakers voluntarily giving up all outside income,

except, say, lecture fees, although that would be the ideal outcome. Governor Cuomo has proposed a commission that would recommend a two-tiered salary scale — one for full-time legislators and another for those with outside income. This could take forever. Short term, the Legislature should consider a bill offered by State Senator Brad Hoylman, a Manhattan Democrat, that would cap outside income at 15 percent of official salary, much as Congress does. Income should be documented in detail, including the amounts and the names of clients for legislators who are lawyers.

Campaign Finance

The charges against Mr. Silver make it scandalously clear how easy it is to buy influence in Albany. The campaign finance system needs a complete overhaul, with lowered limits, more disclosure and public matching funds for campaigns. Until then, lawmakers could end the scam used by many contributors to get around the few limits New York State law does have; they create dozens of small limited-liability corporations that can each give the maximum amount allowed. That was the method prosecutors say was used by Leonard Litwin, the real estate developer, whose company, Glenwood Management, funneled more than \$10 million to candidates and party committees, including substantial funds to Mr. Silver.

Oversight

The ethics police in Albany have been rendered powerless by the lawmakers who created them. The Joint Commission on Public Ethics is unwieldy and unable to proceed with an investigation if the members appointed by the Legislature veto it. Another group, the Legislative Ethics Commission, does little more than dispense advice. The New York Public Interest Research Group last week proposed a merger of the two, and urged greater independence. Until then, New Yorkers will have to rely on outsiders like Mr. Bharara for ethics policing.

In his State of the State speech last week, Governor Cuomo spent only 80 seconds on the need to “restore the public’s trust.” He mentioned, in passing, the public financing of campaigns and the issue of outside income. With the arrest and resignation of Mr. Silver, restoring public trust should be at the top of Mr. Cuomo’s agenda.

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January 16, 2015

Hon. Andrew M. Cuomo
Governor of New York State
State Capitol Building
Albany, NY 12224

Re: Restoration of Funding for Runaway and Homeless Youth

Dear Governor Cuomo:

As you finalize your decisions regarding budget priorities for FY 2015-2016, I respectfully urge you to allocate \$4.75 million for Runaway and Homeless Youth in the Executive Budget to create new beds to address the 5,041 annual instances when children are turned away from shelters because of overcrowding.

There is an urgent need for an increase in funding for two primary reasons. First, the budget allocation Funding for Runaway and Homeless Youth has been slashed by more than half in just five years. In 2014, the allocation was frozen at \$2.35 million for the fourth year in a row. This amount represents a 66% decrease from the peak-year funding of \$6.3 million in FY 2008-2009 in inflation-adjusted dollars.

Second, while funding for Runaway and Homeless Youth has plummeted, the needs of this extremely vulnerable population have dramatically risen during recent difficult economic times. In 2008, according to the New York State Office of Children and Family Services, shelters documented 573 instances where kids were turned away from shelters because there were no available beds. By 2012 (the most recent year data is available), this number skyrocketed to 5,041 instances – a nearly tenfold increase. In the past 90 days alone, shelter providers across New York State have been forced to refuse entry to nearly 400 children because of the lack of beds.

As I'm sure you're aware, young people who are turned away from shelters are forced to live on the streets, where they are significantly more likely to resort to drastic



Hon. Andrew M. Cuomo
January 16, 2015
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measures to secure a place to sleep. A 2013 study by Covenant House found that nearly a quarter of homeless kids were at high risk of being targeted victims of sexual assault and trafficked for sex crimes. This deplorable situation also leads to significant health problems for these children, including sexually transmitted diseases, HIV infection, drug addiction, depression and suicide.

Help for our state's homeless youth represents a moral imperative to protect innocent children from the evils and exploitation of life on the street. It's also prudent public policy to provide these kids with stable housing so they may grow into responsible, healthy adults and make a positive impact on our communities.

I would greatly appreciate the opportunity to engage with you and your staff in order to develop a budget strategy to address the needs of our Homeless and Runaway Youth. If you have any questions, please contact me at 212-633-8052.

Thank you for your continued leadership for the people of the State of New York.

Sincerely,

A handwritten signature in black ink that reads "Brad Hoylman". The signature is written in a cursive, flowing style.

Brad Hoylman
State Senator
27th District - Manhattan

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**Testimony of State Senator Brad Hoylman
to the New York City Council
Regarding Illegal Hotels**

January 20, 2014

Thank you for the opportunity to submit testimony to the New York City Council regarding the explosive growth of illegal hotels, also known as “short-term rentals,” and their effect on our communities. I represent neighborhoods with the highest number of illegal hotels in New York City, including Hell’s Kitchen, Chelsea, the Village and the Lower East Side – areas which, according to data released by Attorney General Eric Schneiderman, accounted for one third of units booked and 55% of illegal hotel revenue from 2010-2014.

New York thrives on the newest invention and hottest trends, and welcomes visitors with open arms, with record-breaking numbers of tourists every year from 2009-2013. However, within the close confines of our city, both the technology industry and tourists must follow the laws designed to protect the safety and well being of all of our residents, guests and visitors.

Class “A” residential buildings make up the vast majority of New York City’s residential housing stock. When these units are converted from residential use to commercial use as illegal hotels for tourists and visitors, it reduces the available housing options for everyday New Yorkers, driving up the rental price of apartments. The data released by the Attorney General showed that last year revenue from illegal hotels was expected to top \$282 million, creating powerful financial incentives for landlords to transition their residential units to commercial use. This squeeze is felt most acutely in buildings with rent regulated tenants, where unscrupulous landlords use any means necessary to force rent stabilized and rent controlled tenants from their long-time homes. This problem continues to grow exponentially, taking more and more of our residential housing stock off the market. In fact, the same data released by the Attorney

General demonstrated a more than tenfold increase in illegal hotel bookings from 2010 to 2014.

Illegal hotels create a number of quality of life and safety concerns for neighboring residents. Individuals renting illegal hotels do not have the same vested interest in ensuring the harmonious, quiet enjoyment of an apartment as permanent residents. The Mayor's Office of Special Enforcement has been forced to take action against a number of operators that have turned buildings into hostel-like environments, severely diminishing the quality of life for remaining tenants. Illegal hotel operators also distribute keys to the front doors of buildings, allowing anyone to enter. This creates a significant safety risk to residents who are unable recognize potentially dangerous individuals from illegal hotel guests, and making it easier for criminals to gain unlawful access to apartments. Should the short-term rental laws be undermined, and illegal hotels are allowed unimpeded, no tenant in a rental building would be able to be sure that they were living in a residence instead of a hotel.

Illegal hotels violate a number of City and State laws, including fire safety, building and zoning codes. In New York City the Fire Code requires that legal transient occupancies, such as hotels, comply with a higher level of fire protections than residential apartment buildings, a result of lessons learned in tragic hotel fires throughout the country. In 2012, the New York City Fire Department's Chief of Fire Protection Thomas Jensen testified that, "a visitor who occupies a unit in an apartment building that is being used illegally for transient occupancy, does not have the benefit of the fire and life safety measures required in legal transient occupancies [hotels] for the protection of persons unfamiliar with the layout of the building.... The visitor is thus placed at significantly increased risk of injury or death in the event of a fire." I believe strongly that a cheap place to stay or a few quick bucks from renting an apartment while the primary tenant is away is not worth the additional risk to life and safety.

Illegal hotels disregard New York City Department of Buildings Certificates of Occupancy, which decide whether buildings are safe for users and comply with the building code. Additionally, illegal hotels violate local zoning laws that separate commercial and residential use, undermining the ability of residents to determine the type of community in which they would like to live.

New Yorkers have a right to the quiet enjoyment of their homes and visitors have a right to a safe, legal place to stay. Any effort to undermine the short-term rental law would diminish the rule of law and quality of life in our city.

I appreciate the New York City Council for taking up this important issue. Thank you for your consideration of my remarks.

DAILY NEWS

State and city pols push to close charter school loophole

BY BEN CHAPMAN NEW YORK DAILY NEWS Tuesday, January 20, 2015

State Sen. Brad Hoylman (D-Manhattan) will propose legislation that would require a public hearing whenever a charter school decides to move to another location. Current laws allow charter schools authorized by SUNY to move to different districts after plans to open have been approved, but the Success Academy used another regulation to switch the site of a Manhattan charter school in 2014, which prompted protests.

A group of state and city politicians are mounting a legislative push to tighten laws surrounding the locations of new charter schools in New York City.

Current state law permits charter schools authorized by the State University of New York to move to different districts after their plans to open have been approved by SUNY — as long as they stay in the same borough.

The Success Academy charter school network employed the little-used regulation to switch the site of a Manhattan charter school in 2014, prompting protests from activists who said the community wasn't consulted.

Some lawmakers say the process is unfair.

“At the moment, a loophole exists,” said state Sen. Brad Hoylman (D-Manhattan). “For the benefit of all public school kids, we should close that loophole.”

Hoylman and his allies believe that charter school operators should be compelled to hold a public hearing in the new location before they decide to move.

Hoylman said he will propose legislation this week that would require it.

Meanwhile, four City Council members, including City Council Education Committee Chairman Daniel Dromm and Manhattan District 1 Councilwoman Margaret Chin, will support the new legislation by issuing a resolution this week calling on the charter school authorizers to do the same.

“New Yorkers know that the East Village is different from East Harlem, and that East Williamsburg is different from East New York. But right now, the state’s process for charter school approval doesn’t acknowledge that these are different neighborhoods with different populations and needs,” said Chin.

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**Testimony of New York State Senator Brad Hoylman to
the Port Authority of New York & New Jersey
and the Federal Highway Administration
Regarding the Cross Harbor Freight Program**

January 23, 2015

Thank you to the Port Authority of New York & New Jersey and the Federal Highway Administration for the opportunity to present testimony on the Draft Tier I Environmental Impact Statement (DEIS) for the proposed Cross Harbor Freight Program. I first want to commend my colleague, Congressman Jerrold Nadler, for his historic leadership on advocating for the Cross Harbor Rail Freight Tunnel and working to restore the New York metropolitan region's freight transportation system for nearly thirty years. It is a testament to his effectiveness that these efforts are bearing fruit.

This project recognizes the strong need for more efficient, cost-effective, and environmentally sustainable movement of goods across our region. It is clear that of the ten "build" alternatives, the best long-term strategy is to construct a double-stack, double-track rail tunnel under New York Harbor, known as the Cross Harbor Rail Freight Tunnel. I encourage you to move this option forward for the Tier II EIS, along with a water-based alternative that increases the current rail share as a near-term improvement.

The Cross Harbor Freight Program is a timely investment that is greatly needed to reduce truck congestion in our region. The New York metropolitan region has one of the highest rates of highway congestion in the country. This contributes to a litany of problems such as infrastructure damage, poor air quality, and lost productivity. According to the DEIS, freight tonnage in the region is expected to increase 37% over the next 20 years, which will clog our streets and restrict local economic growth even further. Clearly, continuing to build highway infrastructure to expand freight capacity is unsustainable and impractical.

New York City is home to the country's largest mass transit and subway system. However, New York is the only major city in the country that is not connected to the national freight rail network. For freight rail to enter the city, it must cross a bridge in Selkirk, New York, located 140 miles north of the city. In fact, by rail, it costs as much to move goods from New Jersey to Manhattan as it does to transport those same goods 500 miles or more in some other

areas of the country. As a result, rail handles a much smaller share of the city's freight load than it does in other major US cities. The majority of our region's freight travels via truck, primarily via the George Washington Bridge.

The Cross Harbor Rail Freight Tunnel is envisioned as a two-mile, double-track rail tunnel under New York Harbor that would connect existing freight rail lines in Bay Ridge, Brooklyn with the nation's freight system in Greenville Yards, New Jersey. The rail tunnel is a strong long-term strategy that will contribute to economic savings and regional competitiveness. According to the DEIS, the Cross Harbor Rail Freight Tunnel has one of the highest benefit-to-cost ratios (1.1 to 1) of any major transportation project currently under consideration in New York. It will increase freight capacity and quicken the movement of goods, thus allowing for economic growth rather than stagnation that the status quo promises. In addition, the rail tunnel is expected to create as many as 30,000 regional long-term jobs in addition to 1,000 construction jobs.

The DEIS notes that the rail tunnel would eliminate 500,000 trucks from our roads each year, amounting to a reduction of 47 million vehicle miles traveled. This means more than simply clearing out our roads for smoother vehicular traffic. One 80,000 pound tractor-trailer causes the same damage to roadways as approximately 10,000 cars. Fewer trucks on the road means highway infrastructure will see less damage, thus cutting down on the costs of road repair projects. Trucks are also a major cause of vehicular crashes, demonstrating a public safety impetus for removing trucks from the roads.

Removing trucks has an environmental immediacy. The rail tunnel is estimated to remove 120,000 tons of carbon dioxide emissions each year, contributing to improved air quality. This has a direct bearing on public health. New York City has one of the highest asthma rates in the nation, and studies show that these rates are particularly high in low-income communities where there is high truck traffic. Exposure to this truck pollution has also been demonstrated to contribute to lower birth weight, cardiovascular and respiratory problems, stroke, and heart attacks.

Finally, building a rail tunnel adds critical redundancy to the movement of goods in our region, which is important in considering potential National Security concerns. Should an emergency arise that forces the closure of our region's major bridges, we must ensure that there are secure options to bring goods and supplies into our city.

With its large scale and high capacity for freight, the long-term benefits of a freight rail tunnel cannot be overstated. However, I recognize that building additional rail capacity is a long-term solution, and that more immediate action may be necessary. Therefore, for the Tier II EIS, I recommend studying the freight rail tunnel in conjunction with a water-based float option which increases the current rail share, the latter which can provide a stop-gap freight solution for the near-term while planning and construction are underway for the rail tunnel.

Thank you for your consideration of my remarks.