



January 11, 2011

Joe Martens
Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Commissioner Martens:

Thank you for the opportunity to provide comments on the revised Draft Supplemental Generic Environmental Impact Statement (SGEIS) on Oil, Gas and Solution Mining issued by the Department of Environmental Conservation. We are concerned about the impact this industry will have on our roads, and potentially, our local and state budgets.

An internal document from the NYS Department of Transportation, leaked to the press in August of 2011, raised many concerns that have not been addressed by the revised SGEIS. The Department concludes that “the potential transportation impacts are ominous”, and we agree.

The Marcellus Shale, New York’s largest underground natural gas reserve, is primarily located in rural areas, so many heavy trucks would roll over narrow, rural roads and already deficient bridges that are not designed for high volumes or extensive truck use. NYSDOT’s estimated costs to upgrade or repair roads and bridges are significant: \$90-156 million for state roads and \$121-222 million for local roads *per year*. Safety and congestion and noise are also cited as concerns for local residents. Recent major traffic incidents involving large trucks on rural roads in Pennsylvania give a taste of what could be coming to New York.

Before moving forward, the State needs to address the following issues:

- The Department and local governments do not have adequate authority to regulate the impacts of trucking. While drillers would have to submit transportation plans to NYSDOT for review, the agency is limited to an advisory role. Mitigation of impacts are expected to be governed by local Road User Agreements, negotiated between individual governing bodies and industry.

Consistency and enforcement are major concerns, and the SGEIS gives little to no guidance on how local governments can protect themselves. As NYSDOT notes, there is currently no framework for enforcement to hold drillers accountable, and NYSDOT lacks jurisdictional authority on most local roads. There are substantial risks to regulating a well-funded industry through a patchwork of local agreements. The state needs a more cohesive regulatory scheme.

- While acknowledging the “significant negative costs” related to roads that “may not be fully mitigated,” the revised SGEIS never calculates just how many dollars constitute a “significant negative cost”, an important oversight. Accommodating drillers’ trucks will mean widening and straightening rural roads—which is known to decrease the safety of rural roads, while increasing the long-term maintenance costs for local governments. The SGEIS needs to better address how local governments will estimate and cover these increased costs during the drilling phase, and once the drillers are gone.
- Given that local governments do not have the resources and capacity needed to mitigate the costs the industry could impose on the transportation system, the State needs to make sure companies don’t privatize the profits and socialize the costs. There is no mechanism for state support in the event that a Road User Agreement inadequately protects the road system. Just as Comptroller DiNapoli has called for a fund to help mitigate costs in the event of a chemical spill, there should also be a fund to help protect our road system.
- The lasting impact on communities’ quality of life and the potential impacts of induced growth are only briefly addressed in the SGEIS. Fracking has the potential to radically change our communities, and our ability to fund the infrastructure system in the long-term. This is a boom and bust kind of industry and we need to make sure the taxpayer is not left holding the bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Slevin', written in a cursive style.

Kate Slevin

Executive Director