

New York Gaming Facility Location Board
Response to Request for Applications to Develop and Operate a
Gaming Facility in New York State

TIOGA DOWNS RACETRACK, LLC

Exhibit IX.A.3.

Tioga Downs has a history of commitment to the Town of Nichols and the surrounding communities. This commitment to the immediate and the surrounding communities includes efforts to mitigate impacts on local traffic, infrastructure and other municipal services.

Tioga Downs limits its impacts with respect to water, wastewater and storm water infrastructure by operating privately owned and maintained systems. These privately owned systems eliminate any burden on the Town of Nichols and the surrounding communities with respect to water, wastewater and storm water infrastructure.

Each privately owned infrastructure is regulated by the State of New York but Tioga Downs is responsible for the daily operation and maintenance of each system. Therefore, there is no impact to local municipal mitigation measures with respect to utility infrastructure.

In addition, Tioga Downs is in ongoing negotiations with the Nichols Fire Department regarding the potential impact the proposed hotel for the Tioga Downs Casino & Resort will have on the Department's Fleet. Tioga Downs has expressed interest in supporting the Nichols Fire Department's efforts to obtain the necessary equipment to accommodate any impacts the expanded Tioga Downs Casino & Resort would have on the Department.

Furthermore, Tioga Downs has committed to off-site traffic improvements required by the New York State Department of Transportation (NYSDOT) in connection with the expansion project. In addition, Tioga Downs has committed to complying with comments and requirements of the level of service required at any locally impacted intersection resulting from the State Environmental Quality Review. For more details on Tioga Downs commitments to traffic improvements, please see the traffic study included as part of this RFA response, Exhibit VIII.C.17.d.

An independent consultant, Union Gaming Analytics, has prepared a Local Municipality Impact Study showing that any incremental costs to local public services in the surrounding area will be minimal and will be far outweighed by the incremental revenue that a new facility will bring to the area. That study is attached to Exhibit IX.A.2.a.

Finally, Tioga Downs will enter into a Highway Work Permit contract with NYSDOT for work being performed in connection with the state highway right-of-way.