

TESTIMONY FROM THE  
EMPIRE STATION PASSENGERS ASSOCIATION  
ON THE NEW YORK STATE DEPT. OF TRANSPORTATION'S BUDGET

JANUARY 28, 2020

**TO:** Finance Chair Krueger and Ways and Means Chair Weinstein and members of the legislative fiscal committees.

The Empire State Passengers Association is celebrating its 40th anniversary as an advocate for New York State's over one million intercity rail passengers who ride our state supported Amtrak "Empire Corridor" services. We thank you for the opportunity to share ideas to improve public transportation so important to the quality of life, mobility, environment and economy of the Empire State. Our testimony will focus on the proposed \$44 million in State funds budgeted to pay for Amtrak service within New York State and the changes to the state's intercity rail program that you should consider supporting.

Since the 2008 passage of the Passenger Rail Investment and Improvement Act (PRIIA) and its subsequent reauthorization, by federal law states are required to pay the full subsidy cost of Amtrak routes shorter than 750 miles (Section 209), so called corridor services. In New York State, that means that all Amtrak service north of New York City to Niagara Falls, Montreal, and Vermont is funded by New York State, except for the '*Lake Shore Limited*', a New York-Boston-Chicago long-distance train funded by Amtrak with federal operating subsidies.

**Operating Budget and Issues**

Under PRIIA Section 209, Amtrak serves as a service vendor to New York State. Subject to negotiations with Amtrak, New York controls Amtrak service within the Empire State. This includes the amount of service offered, the frequency of service, the price of tickets and the quantity and quality of on-board services and amenities as well as the advertising of the service. It is ESPA's observation that the general public and the State Legislature are not generally informed of this fact and available data is hidden in a no-bid contract which is not audited by the State Comptroller. In addition, Amtrak has removed from open publications information that would allow reasonable judgements of the quality of service provided New Yorkers. We hope to help better inform the Legislature about the implications of PRIIA Section 209 so that appropriate legislation and funding may be considered.

Governor Cuomo has requested \$44 million in his FY2021 budget for the Amtrak contract subsidizing the '*Empire Service*', '*Maple Leaf*', '*Adirondack*' and with Vermont the '*Ethan Allen Express*' to Rutland. This is the same figure that the NYS Legislature has appropriated for our state-supported Amtrak corridor service since 2013. Other authorize re-appropriations can be used for passenger improvements. ESPA recommends that the Senate Finance Committee and Assembly Ways and Means Committee support these items recommended by the Governor. In addition, the fiscal committees should seek more information on the actual costs of the Amtrak service contract and examine if the vendor is providing

appropriate service to New York State rail passengers. ESPA believe additional disclosure is the first step in providing transparency and greater accountability on the quality and quantity of Amtrak service within the State. The Transportation Department is a major agency responsible for thousands of projects worth billions of dollars. It faces a difficult task of overseeing the intercity passenger program since the rail division has only 4 full time employees. It may be the right time for legislation to require a periodic Comptroller's audit of the Amtrak service contract.

### **Creating a Robust State Rail Program within NYS DOT**

As previously mentioned, NYS DOT has only four full time rail division employees, a shadow of previous staff levels managing the State's passenger rail program. ESPA believes it is time for NYS DOT to begin building a robust state rail program similar to active state rail programs in Michigan, North Carolina, Virginia and California. These states and others have active and robust state rail programs that not only fund their Section 209 Amtrak trains but have strong Amtrak oversight activity, a multi-year planning program for improvements to rail service in their states and a capital program to use in conjunction with federal matching funds from the Federal Railroad Administration.

Right now, NYS's rail planning activities for the Empire Corridor are insufficient. The Federal Railroad Administration (FRA) and federal law requires that states maintain a State Rail Plan and update it at least every four years. The last approved *NYS Rail Plan* was issued in 2009. ESPA urges the State Legislature to inquire when NYS DOT will initiate the required update of the State Rail Plan. A failure to do so could jeopardize New York's eligibility to apply for and receive FRA discretionary grant funds.

### **Improving Current Intercity Passenger Service**

ESPA is pleased that the State over the past decade has made several major passenger rail improvements within the Empire Corridor with federal grants and state matching funds. The work completed includes a second mainline track Albany-Schenectady, fourth platform track and other work at the Albany-Rensselaer Rail Station, and improvements to the signaling system between Poughkeepsie and Rensselaer. Most notably several new rail stations have been built at Niagara Falls, Rochester and Schenectady. Soon a new Buffalo Exchange Street Station will open at in downtown Buffalo, entirely funded by the State. These infrastructure improvements are impressive and most certainly are welcome.

And now Governor Cuomo's State of the State promise to revisit the issue of High Speed Rail for Upstate New York, holds out hope for achieving long sought benefits for a Upstate NY, an economically struggling area of the state. Of course, the Governor's vision will not be completed in the coming budget year. It is but the first step toward high speed rail, by convening an outside panel of experts to study previous rail plans and then find ways to make to bring about an efficient modern passenger rail system at an affordable cost in a reasonable amount of time.

The State indeed has completed over the decades several studies on high speed rail, including unfortunately the yet to be released final version of the Empire Corridor High Speed Rail Environmental Impact Study (EIS), of which a draft was released – in conjunction with public workshops – in spring

2014. Competition of an EIS signed off on by the Federal Railroad Administration will be necessary for further federal funding of our passenger rail system in the future. However, while we wait for a final master plan, there are several small individual improvements that could improve the existing state-supported service sooner.

Over the last two decades there has been little or no change in Amtrak on-board passenger service in the state. In fact, there have been reductions to onboard service, specifically when café food service on many NYC-Albany '*Empire Service*' trains was eliminated in 2005 by Amtrak. This cut included the closure of the Amtrak commissary at the Rensselaer station, resulting in operating café cars not being properly stocked. As a result, trains frequently run out of food and drink on their return trips from Western NY and Canada to New York City where they are stocked at the Amtrak commissary in Sunnyside Yard, Queens. ESPA seeks your support in restoring café car service on all trains in New York State and the re-opening of the commissary base in Rensselaer. These issues have a budgetary aspect because they could increase the subsidy paid by New York State taxpayers to Amtrak. However, reforms enacted since 2005 by Amtrak to its food and beverage service as resulted in reduce losses, with Café Car revenue on the Northeast Corridor now exceeding its costs.

In addition to restoration of café car service on all trains, ESPA supports two additional and related short-term service enhancements. First, we seek the addition of a baggage car on one of the state's supported corridor trains, the NYC-Niagara Falls '*Maple Leaf*'. Amtrak has completed the acceptance of an order of new Viewliner baggage cars – build by CAF USA in Elmira Heights NY – so the equipment is available. A baggage car on the Maple Leaf would permit checked baggage at stations that now provide baggage service to the '*Lake Shore Limited*', as well as the new stations at Buffalo Exchange Street and Niagara Falls. Having a baggage car on the popular '*Maple Leaf*' would remove excess luggage from often crowded coach cars, where it can block aisles, impeding mobility of passengers. Of equal importance is the ability to store bicycles and other sporting equipment in the baggage car, thus opening the opportunity for downstate residents for example to bring bicycles to tour the Erie Canal Trailway or bring hockey equipment to the tournaments Upstate.

Other states have successfully worked with Amtrak to increase bicycle capacity on trains to promote tourism travel. The State of Pennsylvania recently added a baggage car to the NYC-Philadelphia-Pittsburgh '*Pennsylvanian*' at an estimated cost of \$300,000 annually. However, Amtrak provides a discount to Pennsylvania because their baggage car provides a through service connection with an Amtrak long-distant train, the '*Capitol Limited*'. Thus, the cost would be higher for New York State. In addition to the '*Maple Leaf*' the '*Adirondack*' would benefit from a baggage car, however this is more difficult because there are no stations providing service north of Schenectady to Montreal, only Saratoga Springs is staffed by Amtrak, and then there is the complication of customs and border inspection.

The last short-term improvement to onboard service we advocate for is that Amtrak base a team of cleaners at Albany-Rensselaer who would board Empire Corridor trains at the station and clean them enroute. These cleaners could detrain at Utica, catching a return train east that they would also clean. Due to the length of train trips in both time and distance from Penn Station to Niagara Falls, restrooms

can become... unpleasant; while garbage bins can overrun. Having them refreshed midway through journeys would be a small but meaningful way to improve onboard service, making rail a more attractive alternative to driving or flying.

### **A Capital Program for the State's Intercity Passenger Rail Program**

With an enhanced state rail staff within NYS DOT, a continuing rail capital improvement could be developed just as the State does for highways, mass transit, aviation and waterways. Past documents – including the 2005 Hudson Line Railroad Corridor Transportation Plan and 2009 State Rail Plan – identified several valuable projects that could eliminate rail bottlenecks, increase service reliability, reduce travel times and therefore encourage more use of trains in New York State. With work completed over the past decade several of those ideas have been largely realized. However, ESPA would like to call your attention to four major capital projects that the state needs to begin planning for and developing funding plans this year.

First is that the current fleet of Amtrak owned dual-mode diesel-electric locomotives that serve the Empire Corridor, enabling trains from Upstate to enter the non-diesel electric territory of Penn Station and East River tunnels, need to be replaced. Acquired by Amtrak from GE in the 1990s, the current fleet of 18 P32AC-DM Genesis locomotives are surpassing their 20-year service life, after very intense utilization. The average failure rate in service for the dual-mode locomotive fleet is increasing leading to more frustrating delays to passengers. ESPA believes that a dual-mode locomotive replacement order should be combined with an order from Metro-North which needs to replace its own fleet of P32AC-DMs and has taken the first steps to acquire new dual-mode locomotives from rail manufacturers. They will need to draw up a new locomotive design to specification already agreed upon by Amtrak, Metro-North, and the Long Island Railroad. A joint Amtrak—Metro-North order could save New York taxpayers money and speed delivery to Amtrak of the much need new motive power.

The second concerns the passenger train cars hauled by the current dual-mode locomotives. The 2009 State Rail Plan proposed that New York State should fund the acquisition of its own fleet of coaches, owned by the state as opposed to Amtrak. This is not an unknown idea, California, Oregon, Washington State, North Carolina, and now several Midwestern states have funded improving and expanding their state-supported Amtrak services by owning the coaches and engines, making that equipment captive to that state. Acquiring a new fleet of coaches would be expensive, but it's a cost that state will soon bear on way or another. The existing coach pool allocated to the Empire Corridor by Amtrak consists of approximately 62 Amfleet cars dating to the 1970-80s. Amtrak will soon issue an RFP for replacement equipment, and under PRIIA Section 209, New York State will be responsible for a large portion of the cost of this new equipment. Unless New York State starts planning now there is no guarantee that Amtrak will allow any additional equipment for the Empire Corridor, to increase train length and train frequency to reduce the current number of often sold-out trains, particularly NYC-Albany.

The third major capital project on the horizon is the replacement of the Livingston Avenue Bridge (LAB Bridge) over the Hudson River between Albany and Rensselaer, connecting Amtrak service north and west of the Albany-Rensselaer Station with the Hudson Valley and New York City. The Livingston Avenue

Bridge is at or beyond its useful life and needs to be replaced to insure continued Amtrak service west and north of Rensselaer. A replacement bridge would improve rail safety, reduce travel times slightly, and create an opportunity to provide pedestrian and bicycle access across the Hudson (with necessary safety barriers/enclosures to separate bicycles from trains), allow for higher speeds and a small reduction in travel time. Again, federal matching funds are available for this State of Good Repair and safety project. The State has already invested \$2 million in preliminary design and now is the time to begin the final replacement design and develop a timeline for the construction project.

The fourth project involves Preclearance at Montreal and the need to fund a facility for joint US and Canadian customs and border inspection to be done in Montreal Central Station for Amtrak's state-supported NYC-Montreal '*Adirondack*' and '*Vermont*', eliminating the need for the current lengthy border stop. The Canadian Parliament recently ratified a treaty with the USA allowing for joint US-Can customs to be done for cross-border passenger trains. Such a facility could allow the previous mention baggage car service for the '*Adirondack*', since trains would run non-stop across the border into a sealed facility, where customs and inspections of luggage could be accommodated, as at airports. Building a the necessary in station dedicated border inspection facility within the existing Montreal station will require of course – funding. Who should or can do this is yet unsure, but New York State DOT should follow up and work with the other stakeholders – Amtrak, VIA Rail (owners of Central Station), Vermont, and Quebec) to see this worthy project proceed forward to completion.

While the delay in the completion and release of the Empire Corridor High Speed Rail Environmental Impact Study (EIS) has placed future improvements to rail infrastructure west of Albany in limbo, there are major improvements that could be made to the Hudson Line south of Albany that need not wait. Considered that all the build alternatives considered in the EIS included the same \$550 million in improvements to the Empire Corridor South. These are improvements to tracks, signaling and stations that would improve reliability, allow an increase in Amtrak daily round-trip frequency from today's 13 to as much as 24 daily trains, and reducing travel time NYC-Albany from today's 2hrs 20mins to 2hrs 05mins.

These improvements were identified and agreed upon in 2005 by NYSDOT, Amtrak, Metro-North, CSX, and Canadian Pacific in the Hudson Line Railroad Corridor Transportation Plan. All that is needed is the approval and funding for program of final engineering and construction to be started that would in a few short years bring Amtrak service NYC-Albany to a level currently only seen on the BosWash Northeast Corridor. With Albany-Rensselaer the 9<sup>th</sup> busiest station in the Amtrak system, NYC-Albany the busiest city-pair outside the Northeast Corridor and last the number of sold-out trains today south of Albany, we at ESPA believe that there is plenty of latent demand waiting to be unleashed by a higher-intensity modern passenger rail service.

Other potential capital projects for the Empire Corridor include proposed station projects at Amsterdam (currently under study by the city government) and at Dunkirk. Dunkirk southwest of Buffalo on the shores of Lake Erie currently has no Amtrak service, but could since the '*Lake Shore Limited*' passes through every day. The State University of Fredonia is located only two miles from Dunkirk and the

former pre-Amtrak Dunkirk station site. There is also work that needs to be done at the Syracuse station to the existing platform, whose weak foundation are causing several issues, including increasing the gap between train and platform, necessitating the use of bridge plates to allow passenger to safely depart and board trains.

Last long-term there is the issue of addressing the Climate Leadership and Community Protection Act mandating net zero-emission of CO2 by transportation by 2050. It would make sense for the panel of experts called upon by Governor Cuomo to study high speed rail, to study this idea as well. Perhaps as part of a “phase two” of a Hudson Line improvement program, that the electrification of Metro-North commuter and Amtrak intercity passenger service on the Hudson Line north of the existing third rail electrification, from Croton-Harmon to Schenectady, be undertaken late this decade after the necessary planning, approvals, and funding. Electric traction utilizing power from renewable energy offers a clean alternative to the fossil fuel diesel traction of current locomotives. Railroad electrification can play a meaningful part in meeting the ambitious but necessary goals the climate act. The state should also explore the use of hydrogen fuel-cells for railroad traction, given that Alstom a major in-state rail manufacturer – its plant at Hornell is building the new Amtrak Acela trainsets – is developing such rail vehicles in Europe.

We hope ESPA’s testimony stirs interest from Committee members and staff as to the opportunities to improve the intercity passenger rail program, create more oversight of Amtrak and begin to improve passenger rail service in the state. ESPA intends to pursue a dialog on these issues with the Transportation Committees in both houses and with individual State Senators and Assembly members. We will make our members or registered representatives available to answer any questions that members of the Legislature may have in the future...

Thank you for the opportunity to present testimony on the NYS Department of Transportation’s state rail program.

**Gary Prophet**

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