

**TESTIMONY FROM THE  
EMPIRE STATE PASSENGERS ASSOCIATION (ESPA)  
ON THE NEW YORK STATE DEPT. OF TRANSPORTATION'S BUDGET**

**JANUARY 23, 2021**

Good Day,

Finance Chair Krueger and Ways and Means Chair Weinstein, the Empire State Passengers Association (ESPA), New York State's advocates on behalf of intercity rail passengers and Amtrak service in the state, thank you for the opportunity to testify on the budget of the New York State Department of Transportation. Today's testimony will focus on the approximately \$44 million in State funds requested to pay for Amtrak service in New York State and the need of an updated State rail program at New York State DOT.

Since the passage of the federal Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and its subsequent reauthorization, states are required to pay the full subsidy cost of Amtrak routes shorter than 750 miles (Section 209). In New York State, that means that all Amtrak service north of New York City is funded by New York State, with the exception of the Lake Shore Limited, a long-distance train funded by Amtrak and federal operating subsidies that travels from New York City to Chicago through upstate New York.

### **Operating Budget and Issues**

Subject to negotiations with Amtrak, New York State controls Amtrak service in 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. It is ESPA's hope that the respective Transportation Committees of the Legislature work together with the Governor to improve and expand the intercity passenger rail service across New York State.

The Administration, in the FY 2022 budget, has requested \$44 million as the contractual amount for passenger rail service, with Amtrak as the provider. This is the same figure

that the Legislature has appropriated for Amtrak service in the State for at least the past several years. NYS DOT uses the funding for both operating and capital costs incurred by Amtrak within the state.

Since the beginning of the PRIIA Section 209 program, there has been little change in Amtrak service in the state. In fact, about 2 years before PRIIA Section 209 began, Amtrak reduced on-board passenger amenities by ending café car food service on Albany-NYC trains as a cost-reduction action, while under political pressure to reduce such expenses nationwide. **ESPA seeks your support in restoring café car service on all trains in New York State and the re-opening the commissary base in Rensselaer, which is a necessary step for Amtrak to operate the café cars between NYC and Albany.** Re-opening the Rensselaer commissary will also improve the availability of food and beverages on the longer Maple Leaf and Adirondack trains operating across the state, where food shortages would regularly occur due to the lack of any restocking outside of New York City.

In addition to returning café service to all trains, we seek the **addition of a baggage car on the state's two longer distance trains, the Adirondack and the Maple Leaf.** Amtrak has completed the acceptance of many new baggage cars, built in New York State, many of which Amtrak has not been using. Baggage cars would permit checked baggage at many stations and remove excess luggage from often crowded coach cars. Of equal importance is the ability to store bicycles in the baggage cars, which opens up the opportunity for downstate residents to bring bicycles with them for scenic rides and last-mile connections in upstate locations. In addition, checked luggage would allow college students to transport extra luggage to and from their college and also would permit amateur hockey players to transport their equipment to downtown Buffalo, where a beautiful new station is just a block away from HarborCenter, a very busy ice hockey complex.

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

While New York State rail passengers have benefited from the completion of new train stations across the state, they ride in 40 to 50 year old coaches, which are pulled by 25 year old locomotives, often unreliable ones. In fact, as a personal example, on my last trip

on Amtrak (December 2020), our locomotive failed about 15 minutes after departing Albany, resulting in a two hour delay, with a sold out train, thus full of passengers.

As we welcome the arrival of a new passenger rail-focused Administration in Washington, ESPA believes it is time for NYS DOT to begin building a robust state rail program, similar to other states, which include Wisconsin, Connecticut, Michigan, North Carolina, Virginia and California. These states 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.

The Federal Railroad Administration (FRA) and federal law requires that states maintain a State Rail Plan and update it every four years. *The last approved NYS Rail Plan was issued in 2009.* **ESPA urges the State Legislature and NYS DOT to work together to complete the required update of the State Rail Plan.** ESPA hopes and anticipates that federal funds will be available which could be worth hundreds of millions of dollars to New York State, as part of a Biden Rail Renaissance and a Secretary of Transportation who, in his younger days, often took Amtrak from South Bend, IN to Boston, traveling through upstate New York. With the combination of President Joe Biden and Secretary of Transportation Pete Buttigieg, along with increased environmental awareness, we see a high likelihood of increased federal funding targeted toward improving passenger rail in popular state rail corridors.

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

With an enhanced State Rail Program within NYS DOT, the State needs to begin developing a multi-year capital improvement program just as it does for highways, NYC area transit improvements through the MTA, as well as planned improvements to aviation and waterways. The 2009 State Rail Plan identifies a number of valuable projects that could eliminate rail bottlenecks, increase service reliability, reduce travel times and therefore encourage more use of passenger trains in New York State. Funding would allow NYS DOT

and Amtrak to apply for matching FRA discretionary capital funds to start improvements to New York State's intercity passenger rail service.

Lastly, ESPA would like to mention two capital projects that the state will need to address and begin planning for, as well as developing funding plans, possibly in cooperation with the Federal Government. The first project is the **replacement of the approximately 62 Amfleet coaches in the NYS Amtrak equipment pool and the associated 18 P-32 dual-mode locomotives that carry trains into Penn Station.** The Amfleet coaches date back to the early 1980s and Amtrak will soon issue a contract for replacement equipment. Under Section 209, NYS will be responsible for a large portion of the cost of this new equipment. In the future, additional coaches are needed to reduce the pre-Covid train sellouts that occurred nearly every weekend across New York State. In December 2020, the MTA Board approved the purchase of replacement dual-mode locomotives for Metro-North Railroad. This contract includes options that will allow the Long Island Railroad, the State of Connecticut, and NYS DOT to purchase locomotives, with different motive power combinations, for use in the northeast. ESPA urges NYS DOT to exercise their option to purchase 18 or more dual-mode locomotives for use between Albany and New York City.

The second major capital project that needs to advance is the **replacement of the Livingston Avenue Bridge over the Hudson River connecting Rensselaer and downstate to Albany and upstate.** The Livingston Avenue Bridge is at or beyond its useful life and needs to be replaced to insure continued Amtrak service north of Rensselaer. Currently travel across the bridge is limited to one train at a time at a maximum speed of 15 mph. A replacement bridge would improve rail safety, create an opportunity to provide bicycle access across the Hudson (with necessary safety barriers/enclosures to separate bicycles from trains), and allow for a speed of more than 15mph. We would foresee federal matching funds may be available for this State of Good Repair, which is also for safety. Thank you for the opportunity to present testimony on the NYS Department of Transportation's state rail program and budget.

Gary Prophet ([thegp@aol.com](mailto:thegp@aol.com))

ESPA President

[www.esparail.org](http://www.esparail.org)