



**TESTIMONY FROM THE
EMPIRE STATE PASSENGERS ASSOCIATION
at the NEW YORK STATE SENATE TRANSPORTATION COMMITTEE HEARING
on PASSENGER RAIL
JANUARY 29, 2024**

Good morning,

Transportation Committee Chair Kennedy and members of the Senate Transportation Committee here today. Thank you for the opportunity to testify on the state of intercity passenger rail service in New York. My name is Gary Prophet, and I am the President of the Empire State Passengers Association.

The ESPA is a statewide advocacy organization working on behalf of intercity passenger rail riders for more reliable, more frequent and shorter trip-time Amtrak service in the state. We also have parallel interests in the downstate commuter rail network and local transit everywhere. Today's hearing comes at a critical time with regards to last year's very quiet release of the Federal Railroad Administration's Record of Decision approving New York State's Tier I Environmental Impact Statement for a package of service improvements and infrastructure reconstruction & expansion projects for the Empire Corridor.

In plain English, the New York State Department of Transportation has federal approval to commence work on a package of passenger rail improvements that are referred to as the Service Development Plan. ESPA believes it is a particularly good plan, based on the approved '90B' option in the EIS, and there are opportunities to make it even better if the State chooses to.

The Empire Corridor Service Development Plan

So, what's in this Plan? Here's a brief overview:

- A proposed capital investment spending level of \$350 million annually for 25 years.
- Construction of 370 miles of new track along the existing CSX right of way west of Schenectady to eliminate bottlenecks & freight train interference and provide a dedicated higher speed passenger train track across the state.
- Building three grade-separated "flyovers" west of Schenectady to eliminate passenger and freight train conflicts.
- Two additional to/from New York that start and end in Saratoga Spring by Spring of 2026
- Additional train frequencies west of Schenectady beginning in Year Ten of the Plan
- Building a long-promised train maintenance facility in Niagara Falls at an estimated cost of just under \$115 million (2017 dollars) to maintain the new Airo trainsets coming to the Empire Corridor
and
- Shorter travel times across the state, saving about an hour between New York and Buffalo when the entire plan is completed.

Generally, ESPA believes the proposed Service Development Plan is a good one. It will deliver more dependable and more frequent service to Amtrak riders across the state.

But the Plan has two serious shortcomings.

First, the 25-year implementation plan is unacceptably long. Central and Western New Yorkers should not have to wait ten years to see the first additional train frequency.

Second, the Plan assumes nearly all of the improvement work starts in the Hudson Valley and Capital Region and projects further west only begin in the sixth year of the program and then with only limited work on the Niagara Branch and a few additional projects in the Mohawk Valley.

ESPA believes that the implementation schedule must be accelerated, and that additional work can be strategically added to the Corridor west of Schenectady so that Central and Western New York more equitably share the benefits of right of way rehabilitation, capacity additions and job creation.

Building a Robust State Rail Program

So, what is standing in the way of advancing this higher speed rail program? In our opinion, there is primarily a lack of senior level commitment or leadership in advancing the program.

This is reflected in inadequate funding and staffing for the Office of Passenger and Freight Transportation and the Passenger Rail focused Major Capital Projects Group in the Office of Design. Both of these rail-focused units have knowledgeable and diligent unit heads and staff, but they do not appear to have the resources needed to design, construct and manage a \$350 million or more a year rail construction program and better supervise Amtrak in the delivery of daily service.

ESPA has raised this issue before at Legislative Hearings on NYS DOT's budget. The problem has been evident for many years and precedes Governor Hochul. It took over twelve years to get the Environmental Impact Statement approved by the Federal Railroad Administration. Our State Rail Plan, which the FRA expects states to update every four or five years, has not been updated since 2009, that's over 14 years ago or ten years older than it should be. The FRA notices these things and the lack of a current State Rail Plan damages our competitiveness for oversubscribed discretionary grants for passenger rail.

It would also appear that the Administration, intentionally or unintentionally, has focused its passenger rail funding efforts downstate on the very large pool of federal passenger rail funds available for Northeast Corridor projects. New York has done exceptionally well there, receiving \$1.3 billion for rehabilitation of the East River tunnels, \$58 million for replacement of the Pelham Bay Bridge and with New Jersey, \$4 billion for the critical Gateway tunnels and \$1.6 billion for Metro-North Access to Penn Station. While funding for New York's upstate projects comes from a different "pot" of FRA funds, it is generally believed that the federal government takes geographical allocation of funds into account in the grant awards process. Our notable success in obtaining Northeast Corridor project funding may have handicapped our success in winning discretionary grants for upstate rail projects. Or the FRA may view the MTA and Gateway Development Corporation as better prepared to manage and implement rail capital grants than NYS DOT.

Without a stronger commitment from the Administration for the implementation of the approved Service Development Plan little is going to happen, and New Yorkers will not see the improvements promised to them for the Empire Corridor.

Reallocate the Gateway Funding Savings

At last week's budget hearing ESPA mentioned a novel funding opportunity for upstate passenger rail capital projects. You may remember that Governors Cuomo and Murphy announced a handshake deal with the Biden Administration to pay for 50 percent of the cost of the Gateway tunnels and related rail infrastructure improvements.

The current Gateway Project costs from their website are about \$16 billion. Under the handshake agreement the local share would be \$8 billion, and New York would owe \$4 billion. To date, federal funding of the Gateway project is now over 68 percent of the projected cost from a combination of FTA and FRA grants. Using the \$16 billion project cost and a 68 percent federal share, New York's funding obligation falls to \$2.56 billion. The State saves about \$1.4 billion.

Now ESPA realizes the savings may not be quite that great. The project cost that New York is responsible for may increase. Much of the savings are in interest payments on federally guaranteed loans that New York may not have to borrow and some of the local share is coming from the Port Authority. Even with many complications though, New York appears to be saving money and some of that savings should be allocated to other intercity passenger rail projects. Perhaps the spending has to stay downstate. That's fine, there are a large number of unfunded Service Development Plan projects in the Hudson Valley which benefit both Metro-North and Amtrak riders. Let's use this money to fund those projects. State and FRA money can then be used to focus on projects across the rest of the Empire Corridor.

This is the type of creative spark that seems to be missing from the Administration's commitment to intercity passenger rail service improvements north of New York City.

Is Higher Speed Rail Enough?

Part of the call for this hearing is to hear testimony as to whether the State's approved '90B' Service Development Plan was satisfactory. ESPA believes that it is.

With a shorter build-out the Service Development Plan can deliver more frequent; greatly more reliable and shorter trip time rail travel across the State. It is important to look at the travel-time savings that the 90B option would bring, rather than focusing solely on top speeds. Rather than looking to the California high speed rail program or Japanese Shinkansen trains, New York's point of reference in this discussion should be the new Brightline Florida system which has brought frequent, reliable, higher speed rail transportation to south Florida along the 235-mile route between Orlando and Miami.

Let's compare current train speeds in New York with the train speeds along the Brightline Corridor. The predominant current maximum speed in the Empire Corridor is 79 mph with speeds between 90 and 110 mph from Poughkeepsie and Schenectady.

Brightline's lowest speed, 79 mph occurs in the relatively short and urban stretch between Miami and West Palm Beach and rises to 125 mph in the closed-corridor, passenger trains only segment from the top of the East Coast section west to Orlando Airport.

Current Empire Corridor Max. Train Speeds

Spuyten Duyvil to Poughkeepsie	80 mph
Poughkeepsie to Hudson	90 mph
Hudson to West of Schenectady	110 mph
West of Schenectady to Buffalo	79 mph
Buffalo to Niagara Falls	60 mph

Current Brightline Corridor Max. Train Speeds

Miami to West Palm Beach	79 mph
West Palm Beach to North End of East Coast Section	110 mph
East Coast Section to Orlando Airport (On New Dedicated Right of Way)	125 mph

New York’s Service Development Plan calls for 90 mph in most of the Corridor -west of Schenectady. We will explain why shortly.

Keep in mind that when the additional train frequencies are implemented an opportunity exists to vary the schedule with both express trains and trains that stop at more local stops. Brightline has 16 weekday trains between Orlando and Miami. The New York Service Development Plan has 17 trains a day to Albany, 9 to Syracuse, 8 to Buffalo Depew, 7 to Niagara Falls and 4 to Saratoga Springs. Express trains offer the opportunity to further reduce travel times beyond the one-hour savings achieved between Buffalo and New York.

The Service Development Plan estimates the cost of the Plan at \$8.8 billion in 2017 dollars. While these costs are higher today, they are still modest when compared to the much greater investments occurring to maintain and improve the MTA’s bus, subway and commuter rail network.

Moving above the Service Development Plan’s proposed top speed of 90mph on the CSX right-of-way west of Schenectady would require substantial acquisition of adjacent property across much of upstate New York. This requirement is stipulated in a 2010 agreement executed by CSX and New York State, in which both parties accepted these terms: *“The parties recognize that the CSXT right of way within the Corridor is the single busiest on the CSXT network. As such, it is an essential part of an interdependent nationwide rail network and is among the most valuable freight routes in the United States. The parties recognize that the alternatives studied may require the acquisition of property rights from CSXT or others. As required by NEPA, the EIS will evaluate all reasonable alternatives including options that comply with CSXT’s design and safety standards, guidelines and policies for commingled passenger and freight operations, including the requirement of a separated and dedicated track for any passenger trains operating at speeds in excess of 90 mph, with*

a minimum of 30 feet measured from the center line of the freight track to the center line of the proposed passenger track.”

More importantly, ESPA does not see the Legislature or the Governor willing to commit the billions of additional dollars necessary to comply with these requirements for speeds over 90 mph. As the Committee has learned today, the State is having a challenging time just initiating the approved Service Development Plan. Calls for speeds above 90 mph west of Schenectady will only further delay the implementation of the approved ‘90B’ Service Development Plan.

ESPA believes that it would be beneficial for members of the Transportation Committee and members in leadership positions in both the Senate and Assembly to take an official business trip to Florida to ride Brightline from Orlando Airport to Miami. It’s just over a 3-hour trip and would be quite educational in showing how conventional higher speed diesel train service can operate.

The Federal Grant Outlook

To date New York State DOT has been relatively unsuccessful in competing for intercity passenger rail grant funding under the expanded opportunities of the bi-partisan federal infrastructure bill (IIJA). There is lots of speculation as to why this is the case. The notion that the State and perhaps the federal government have focused on giving New York its fair share of funds from the grant program that is limited to use on the NEC was discussed earlier.

Clearly in the most recent announcement of federal grants for use outside of the NEC, the Federal Railroad Administration made a policy decision to go big. Three grantees received a total of \$7 billion and seven additional grantees were awarded a total of \$1.0 billion. New York’s several Hudson Valley and Capital Region projects, relatively smaller submissions, (including for the Livingston Avenue Bridge replacement) went unfunded along with applications from other states.

In the remaining three years of the IIJA there is \$3 billion of guaranteed funds that the FRA will distribute from the Federal-State Partnership grant program and \$4.7 to \$4.9 billion available in Consolidated Rail Infrastructure and Safety Improvement grants program. Congress has the opportunity to add to these amounts through the annual appropriations process.

So, New York has the opportunity to compete. Some of the strongest competitors – Virginia, North Carolina, Massachusetts and Nevada have already gotten large projects fully or partially funded. To the State’s credit, staff have aggressively submitted a number of

applications for the Livingston Avenue Bridge and smaller state of good repair and upgrade projects in the Hudson and Mohawk Valley. The next application deadline is February 28th for the RAISE program and the Livingston Avenue bridge meets the eligibility criteria to apply. The next round of CRISI funding will open for applications in March.

Other Matters Affecting New York Amtrak Service

Rhinecliff Station: An earlier plan for high-level platforms and rehabilitation of the historic station headhouse and platform canopies was set aside when DOT received a \$28 million FRA grant to enhance the scope of the project. The FRA also required the state to build a longer high-level platform which has required a complete redesign of the track work and much of the platform and elevator work. We must note that neither Amtrak nor DOT are good at sharing project schedules or budgets with the public.

Locomotive Failures: Locomotive failures have become an increasing problem on the Empire Corridor. Such failures disrupt passengers' trips, wreak havoc with the schedules and raise costs for Amtrak and DOT. The Corridor's unique 18 P32 dual-mode locomotives went into service starting in 1995 and are beyond their expected service life. Other passenger locomotives, used primarily west and north of Albany, are only slightly younger.

How do we bridge the gap until the new Amtrak trainsets arrive in 2030 or later? DOT has the option to purchase new dual-mode locomotives as part of the MTA commuter railroad order if they wish. ESPA urges the Committee to hear from New York State on how they are overseeing this matter.

New Trainsets and Capacity in the Empire Corridor: New York State is participating in the Amtrak Airo trainsets order that will begin replacing the current cars used on the Empire Corridor after 2030.

New Yorkers are choosing to ride trains and many more would ride if the seats were available. Hudson Valley trains consistently sell out on Fridays, Saturdays and Sundays and often on Thursdays. Ridership is particularly strong west of Albany; up 16 percent in FY 2023 over pre-Covid levels. The last two missing trains from the pre-Covid schedule in the Hudson Valley will return on March 4th and this will help some. Additionally, the State has worked with Amtrak to lengthen some weekend trains to six cars, but more capacity needs to be added to supply adequate seats to meet the growing demand for passenger train service.

Amtrak and the State should undertake an updated demand analysis to determine whether the planned allotment of new trainsets will be adequate to accommodate desired ridership growth and additional frequencies during busy demand periods. While ESPA recognizes the

value in using pricing to manage and distribute demand, the overall goal should be to carry more New Yorkers by train. The State may need to exercise trainset option orders to accommodate the level of interest in using Amtrak and to help meet the State's Climate Act goals.

Funding A Key Passenger Amenity

Finally, ESPA urges the Legislature to fund one passenger amenity missing from the proposed DOT/ Amtrak operating budget. Reopening café car food and beverage service on all Hudson Valley trains would be a noticeable passenger amenity improvement. NYS DOT planned to implement this service enhancement in the spring of 2020, but it was cancelled because of the Covid pandemic. With service and ridership recovering well, it is time to reopen the food commissary at Rensselaer and provide café cars on all Hudson Valley trains. Reopening the commissary in Rensselaer will also benefit passengers across the state by allowing café car restocking in Rensselaer so that fewer sold-out product situations will occur.

New York State can apply for federal assistance to reopen the commissary and restore food and beverage service through a federal grant program that will soon open for applications. If successful, the federal grant would cover most of the capital costs and a portion of any operating losses with a six-year phase-out. This is an opportunity the State should take advantage of.

Conclusion

For too many years New York State used the excuse that there was no federal funding available to advance rail improvement projects. That claim was not generally accurate over the last five years, and it is certainly not true today. Under past Administrations New York has simply lacked the will or the interest to improve intercity passenger rail service beyond the construction of new stations. ESPA urges Governor Hochul to commit the State Department of Transportation to developing a robust and public capital improvement plan for intercity passenger rail service and to implement overdue enhancements to existing service to improve the customer experience.

ESPA looks forward to continuing to work with the Legislature, Amtrak and NYS DOT on the implementation of the 90B improvement program and on the day-to-day customer experience on Amtrak trains in New York.

In closing, let me return to the main theme of ESPA's testimony regarding capital improvement projects for Amtrak service in the state. Time is short, with only three years remaining in the enhanced federal infrastructure program. New York is behind other states

that have rail projects much further along in the pipeline. Let's not miss any more of this opportunity.

Thank you for considering our testimony on the state of passenger rail service today and what our rail future should look like.

Gary Prophet
President
Empire State Passengers Association