

Misrepresentations and Omissions in New York State Presentations at the November, 2014 Meetings on the Unit Management Plan for the Remsen-Lake Placid Travel Corridor

- 1) NYSDOT's Ray Hessinger stated that "Rail infrastructure is in good condition where trains currently operate.... the Remsen to Lake Placid Travel Corridor is in much better shape than it was in 1996, due in part to the operations of the Adirondack Scenic Railroad". In fact, the railroad only operates south of Remsen and between Lake Placid and Saranac Lake. The rails and ties in between are in such bad shape that a flagman must walk ahead of the engine when it moves north once a year. Despite agreeing to restore and maintain the rails (1995 UMP and subsequent contract) the operator has done nothing on this stretch. And there was no mention of recent derailments in sections of the corridor where the rail infrastructure is supposed to be in "good condition" or the discontinuance of service to Big Moose due to rail defects¹.
- 2) There was no discussion of potential economic or quality-of-life benefits of summer use of a rail-trail or expanded snowmobile use on and near the corridor.
- 3) The State indicated that communities south of Tupper Lake view the train as a positive economic force, and have expressed an interest in rail services. If the State is referring to the operations between Utica and Thendara this is a distortion, since there is no one asking for a change in those train services. But no community north of Thendara has asked for rail restoration and St. Lawrence County, the Towns of Colton and Piercefield, and the 58,000 member NY State Snowmobile Association who currently lease the corridor have all asked for removal of the rails.
- 4) NYSDOT noted that the rails have seen a marked increase in ridership, growing from 42,655 trips in 2009 to 71,354 trips in 2012. The traffic figures presented hide a really misleading fact. The railroad counted round-trips as one ticket in 2009 but as two in 2012, so the ridership has actually decreased system wide. But that is hiding the real issue: the ride from Utica to Remsen is popular and not threatened by the rail-trail. The ride from Lake Placid to Saranac Lake is in free-fall, with ridership at the lowest levels ever, several derailments in 2014, and no interest in continuing it by either end (Harrietstown or North Elba).
- 5) NYSDOT mentions "Freight Rail Opportunities," yet freight service was discontinued for lack of demand 42 years ago and no new demand has been cited. If there is a real potential for new freight services why has no one identified it?
- 6) NYSDOT also cited "Tourist Rail Opportunities," using as an example a scenic train in Ohio that is a three-hour round-trip, including stops, and runs for 30 miles through the Cuyahoga Valley National Park. It is close to the Cleveland metropolitan area to the north and the Akron-Canton metropolitan area at the south end. (These two urban-suburban centers have a combined population of 3,515,646.) NYSDOT's Ray Hessinger stated that "After researching tourist rail opportunities, the departments found that the Cuyahoga Valley Scenic Railroad in Ohio, which carried more than 210,000 visitors in 2012, has many similarities to the Adirondack Scenic Railroad. This is a model of what Adirondack Scenic (Railroad) could do throughout this corridor." While the Cuyahoga train has millions of potential riders living nearby, the train from Utica through the Adirondacks has a very sparse population base to draw on. The city of Utica, at the south end of the line, has 61,800 inhabitants. The population of Tupper Lake is 4,000, and Lake Placid is 2,500. That's a stark contrast to the Cleveland-Akron-Canton market. A professional study commissioned by the scenic railroad and the North County Chamber of Commerce said that only 7,000 people would ride a restored train from Utica to Lake Placid, a fact DOT ignores in favor of pointing to an irrelevant city operation.
- 7) "Theme trains operated by the Adirondack Scenic (Railroad) have a strong ridership draw" DOT's Hessinger stated. No one questions the value of the theme trains from Utica, a population center with popular rides like the Polar Express, so this is a red herring. The "theme trains" from Lake Placid run mostly empty even when the tickets are free. Getting accurate data on how many tickets that segment sells and how many passengers ride it is a difficult process since they obviously do not want to separate out the two wholly-different operations. When discussing "Recreational Trail Opportunities," the state's example was an unfinished rail-trail, "a work in progress" according to the Rails-to-Trails Coalition (RTC), irrelevant to the Adirondack Rail Trail. Multiple relevant examples should have been presented by the state (and have been given to the state by the RTC). DOT's Hessinger instead pointed to the 90-mile Genesee Valley Greenway, near Rochester, as a possible example of the kind of numbers a trail might bring, explaining that the less remote areas of the trail are vastly more popular than the rural areas. "It has 70,000 users annually on the north end of the trail near the city of Rochester," Hessinger said. "The south end of the trail sees less than 2,500 people on any given year." Carl Knoch, who studied our corridor for the Rails to Trail Conservancy said "This is a terrible example - the trail isn't finished. South of Mount Morris there are many sections that aren't finished and require on road detours. ... How do I know this, I tried to map it for our New York Guidebook." Knoch had selected the five comparable trails for his 2012 study, all of which are far more similar than the GVG trail. His

¹ After NYS spent \$1.4M to restore this rail infrastructure.

- estimate was 250,000 users per annum. He has written to NYSDOT to object to their approach.
- 8) The hearing introduction stated that "The cost to remove the tracks will likely exceed the scrap value of any materials recovered," but no data was presented to support that claim. And NYSDOT claimed that the cost of rehabilitating the track would be less than constructing a trail. "In DOT's opinion" Hessinger stated, "the cost to take the tracks up will exceed the value of the materials you could sell," He added that the rail is obsolete and the majority of the track would be sold as scrap. But NYSDOT has been presented with several written proposals to replace the tracks and ties with a trail at no cost, i.e., in return for the scrap. The steel in these old rails is extremely valuable and is worth \$6 million or more. Iron Horse Preservation Society has even offered a significant rebate to the State after constructing a trail for free.
 - 9) In citing NYS concerns regarding costs of "Removal & disposal costs for creosote-treated ties," no mention was made that DEC issues permit for the burning of rail ties² or that these permittees operate within a commercial market for rail ties.
 - 10) Rather than incorporating comments submitted in 2013 into the process, NYS has decided to discard that valuable public input as not germane
 - 11) No mention was made of what restoring the rails to Federal Railroad Administration Class 2 status would mean. Class 2 speed limitations of 25 mph for freight and 30 mph for passengers, would mean over 2 hour travel times from Thendara to Tupper Lake and 4 from Utica, making day trips effectively impossible. The presentation did not include any data on the massive costs to upgrade to FRA Class 3 (60 mph maximum).
 - 12) The hearing presentations made no mention of the current rail operator's debts, assets, paid ridership, cash flow, future revenue, future expenses, access to an adequate line of credit for expansion and operations, or its auditor's "going concern" qualification of their financial statements. Nor was there any discussion of how an alternative operator would be selected and whether any viable operators had expressed an interest in operating an expanded rail service. And there was no mention of the bankruptcy of the previous operator (the Adirondack Railway Corporation), or how the state planned to avoid another bankruptcy that might (once again) preclude any productive use of corridor for years.
 - 13) With no U.S. scenic railroads operating over equivalent distances, there are no available examples that the state could point to of successful U.S. long-distance scenic railroads in similar circumstances that are self-sustaining and provide significant economic benefits for their region.
 - 14) Despite the success of rail-trails elsewhere, there was no discussion of comparable trails or of the nationwide success and economic benefits of rail-trails.
 - 15) The presentations avoided any discussion of the potential economic or recreational benefits of expanded snowmobile activity resulting from a track-free corridor. Nor was there any discussion of the harm to existing winter uses that would come from restored regular train service. And yet the existing UMP says: "The New York State Office of Parks, Recreation and Historic Preservation's State of New York Snowmobile Trail Plan indicates that corridor trail #7, which runs through New York from Quebec to Pennsylvania, is the state's most important snowmobile corridor trail and that the Remsen-Lake Placid travel corridor right-of-way is the trail's most critical link".
 - 16) NYSDOT stated that the New York Wild and Scenic Rivers Act would permanently preclude restoration of bridges for rail service from one year after the tracks were removed. In fact, there are no New York scenic or wild rivers in the corridor between Old Forge and Lake Placid, and even if there were the alternate uses (e.g., snowmobiling) would grandfather in those bridges. The State subsequently admitted that the claims made at the public hearing were false.
 - 17) On the topic of funding, DOT says it has used a total of \$12.9 million in federal funding to make infrastructure improvements on the corridor. DOT's Hessinger claimed that "should the tracks be removed from Tupper Lake to Lake Placid, the state would have to pay back about \$2 million to the federal government." The federal government regularly forgives grants when the replacement project is in the public interest, so this appears to be another scare tactic since no one denies the public value of the rail-trail and it reasonable to expect that this project would also be given a waiver on repayment.
 - 18) DOT's Hessinger informed the public that maintenance costs for a rail or a trail would be about the same, each costing about \$1,500 per mile, per year." Fact: Between 2006 and 2011, NYSDOT has given the ASR \$1,782,652 in grants, or \$44,566 per mile, for track maintenance on the 37 miles they operate. This does not include a grant of \$1.4 million in 2012. Since 2009, ASR has used a little more than \$50,000 per year of the NYSDOT grants they received to maintain operations. How much more will they need by more than doubling the distance traveled?

² See <http://www.dec.ny.gov/chemical/42394.html>