



WATERFRONT ADVISORY COMMITTEE

Town of Germantown, NY

GermantownWaterfrontCommittee@gmail.com

Contact:

Billy Shannon

hrzeitgeist@gmail.com

518-755-2720

FOR IMMEDIATE RELEASE

Germantown committee releases FOIA results from Amtrak safety reports

GERMANTOWN—While Amtrak continues to refine its proposal to limit public accessibility to stretches of Hudson River shoreline, the Germantown Waterfront Advisory Committee released the findings this week from its recent Freedom of Information Act request seeking incident reports in recent years along the Germantown shoreline.

In June, the waterfront committee submitted a Freedom of Information Act request to Amtrak asking for all information relating to safety incidents at the two public grade crossings at Germantown's Ernest R. Lasher, Jr. Memorial Park and Cheviot Park, as well as incidents along the right-of-way, which in Germantown runs along the town's entire shoreline on the Hudson River. The committee requested data from 2010 to the present.

Amtrak responded in August with more than 200 pages of their records. During this eight-and-a-half-year period, there were 24 reports relating to incidents along the right-of-way, and 19 reports of malfunctions at the grade crossings. Of the 24 right-of-way reports, five of them are additional or duplicate reports, so a more accurate count is that there were 19 right-of-way incidents. The full set of documents received by the committee can be accessed online at: <http://gatesgate.org/amtrak-foia-request-and-response/>.

Two of the right-of-way incidents were fatalities, though neither clearly involved trespassing on the right-of-way. One fatality was an Amtrak maintenance worker who was struck by a train while the other victim was found dead near the tracks with injuries consistent with falling or jumping from a freight train.

Five other incidents, including a train striking a fallen tree and an emergency stop due to people on the tracks were north of Germantown's Lasher Park, in an area not impacted by Amtrak's proposed fences and gates.

During striped bass season, there are often anglers along the tracks in vehicles, yet only one incident mentioned a vehicle, and it was in March—earlier than striped bass season.

There were incidents involving rocks and fallen trees, which are not related to members of the public using the right-of-way.



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There were two incidents where police and other first responders accessed the right-of-way—one a police foot pursuit and the other a response to a downed aircraft in the Hudson.

There were about as many crossing gate malfunctions as there were right-of-way incident reports since 2010.

The Germantown Waterfront Advisory Committee has been advocating for continued access to this section of the Hudson River shoreline. To committee members, this data suggests that people are able to safely enjoy the shoreline. Committee members also believe public presence along the shoreline can enhance safety. For example, people can spot and report debris on the tracks—(two of the incidents)—and people can spot and report children behaving unsafely—(four of the incidents).

Amtrak's rationale for the proposed gates and fences is that they feel it will limit public access to the shoreline, in turn improving safety. In conversation, Amtrak representatives have cited anecdotal evidence that public recreation along Germantown's shoreline is a safety concern to the railway engineers.

Earlier this year, Amtrak proposed a project—which would affect Dutchess and Columbia counties—to install stretches of fencing and gates designed to block access to miles of Hudson River shoreline including the shoreline road, a drivable path often referred to as the access road or as the right-of-way. In Germantown, the river shoreline has been accessible to the public for many decades.

This spring the New York State Department of State held a public comment period, during which, according to Lee Park, a spokesman for the department, the state received comments from 302 individuals, along with a petition with 108 signatures. The Germantown Waterfront Advisory Committee, in its second comment letter to the department, also highlighted two other still-active [change.org](https://www.change.org) petitions, which, by the end of the spring public comment period, carried a combined 2,059 digital signatures.

In April, the waterfront committee held a riverfront rally in Germantown, which drew about 150 people, as well as several state and local politicians who declared support for maintaining public access to the traditionally-open Hudson River shoreline.

U.S. Congressman John Faso organized a meeting with Amtrak and several local representatives in April, during which they discussed the proposed project and its purpose.



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Mr. Park, the spokesman for the New York State Department of State, said recently, “DOT has requested and Amtrak has agreed to hold a minimum of two public informational sessions to take place within the relevant stretch of the corridor regarding the project purpose; need; and proposed implementation plan.

“These meetings, held by Amtrak, are intended to provide an additional forum for community involvement as well as opportunities for public to provide comments to Amtrak,” Park said. “The information presented during Amtrak’s meeting will determine whether DOS may hold a second public comment period.”

Over the summer, Amtrak representatives met on site with several of the impacted communities. The Germantown meeting on Aug. 24 included two Amtrak representatives, and an Amtrak Police representative, who had informal discussions with Germantown Supervisor Robert Beaury, Germantown Fire Chief Mike Lawson, Germantown Waterfront Advisory Committee co-chairs Jen Crawford and Kaare Christian, and Scenic Hudson’s Jeff Anzevino. Two representatives of the state’s department of transportation and a representative from U.S. Congressman Faso’s office also attended. The meeting was strictly informational, so that each participant could better understand the views and concerns of the other participants.

Last month, Beaury and other local leaders sent a second letter to the department of state asking for them to “take an interest in how the outcome of this application will have an immediate and negative impact on our communities.” The letter called for additional comment periods and mitigation to offset any negative impacts.

Last week, the New York State Department of Transportation informed Supervisor Beaury that public meetings would be postponed until early 2019, during which time the department and Amtrak will continue to refine the project.

Asked for an update on the project last week, Jason Abrams, a spokesman for Amtrak, released the following statement: “The project is still under review by Amtrak, NYSDOT, and NYSDOS. Public Informational meetings have not been scheduled but will be announced in the future.”

Anyone looking for more context on this issue or who would like to be kept up to date should visit GatesGate.org or email germantownwaterfrontcommittee@gmail.com.

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