

Congress of the United States
Washington, DC 20515

March 6, 2020

Mr. Richard Anderson
President and Chief Executive Officer
National Railroad Passenger Corporation dba Amtrak
1 Massachusetts Avenue NW
Washington, D.C. 20001

Dear Mr. Anderson:

We write to respectfully request that Amtrak hold off on submission of its Coastal Consistency Determination application to the New York State Department of State (NYSDOS). After review of Amtrak's *Five Year Infrastructure Asset Line Plan, Base (FY 2019) + Five Year Strategic Plan (FY 2020-2024)*, we request that Amtrak work collaboratively with the appropriate municipal, county, and state officials and relevant stakeholders. As this plan proposes the installation and/or upgrade of ROW and impasse fencing and gates along the Empire Corridor South, it is our hope that Amtrak will work with all relevant state and local representatives to effectively reduce safety risks without compromising the public's ability to access the Hudson River.

As you know, Amtrak's fence upgrade program is a result of Amtrak's stated desire to reduce trespassing and incidents involving pedestrians, motorists and trains. This is an important and essential objective, and we appreciate Amtrak's efforts to keep our communities as safe as possible. However, railroad development along both shores of the Hudson River has also created numerous barriers that may affect the public's ability to access the waterfront. While we acknowledge Amtrak's prioritization of public safety, we are deeply concerned that the potential for loss of access runs contrary to New York State's Coastal Program. We also understand that some are concerned Amtrak's proposed fence upgrade program may be in violation of New York State's Public Trust Doctrine. For instance, in Castleton-on-Hudson, a 25-year old temporary agreement has resulted in an imposing fence that prevents access to village-owned riverfront land intended to be a public park.

Additionally, we support cooperative efforts (such as Scenic Hudson's *Hudson River Shoreline Access Plan* being completed this Spring) initiated by municipalities and local organizations to preserve remaining access points to the river and to expand the number of sites available for the public to use the shore. In other parts of the nation, high-speed trains and at-grade pedestrian crossings do coexist using advanced technology without the need for grade separated overpasses.

It is our belief that through a renewed effort of partnership with stakeholders, public officials, and communities, a healthy balance of access and safety can be achieved.

Your consideration of this request, consistent with all laws, rules and agency policy, is appreciated. We ask that a response be provided to this request on or before March 20, 2020.

Sincerely,



Paul D. Tonko
Member of Congress



Sean P. Maloney
Member of Congress



Antonio R. Delgado
Member of Congress