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February 11, 2014

David Chan  
Program Manager  
High Speed Rail Empire Corridor Program  
New York State Department of Transportation  
POD #61  
50 Wolf Road  
Albany NY 12232

Dear Mr. Chan,

Please accept this letter as our comments on the Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) Tier 1 Draft Environmental Impact Statement (DEIS) to evaluate proposed system improvements to intercity passenger rail services along the 463-mile Empire Corridor, connecting Pennsylvania (Penn) Station in New York City with Niagara Falls Station in Niagara Falls, New York.

The Livingston Avenue Bridge Coalition and the undersigned organizations represent thousands of New Yorkers committed to seeing the Bike and Pedestrian Walkway on the Livingston Avenue Bridge restored when this bridge is rebuilt or replaced as part of the Empire Corridor project.

Although site-specific impacts of the selected program will be determined in Tier 2 evaluations, it is important to set the stage for the future of this critical bicycle and pedestrian connection and thus the report should acknowledge the significant local and regional support for the Livingston Avenue Bridge Walkway. The DEIS should contain general and relevant specific review of all transportation projects in the corridor, as well as a consideration of all activities reasonably foreseeable in each of the geographic areas of the program. The DEIS document should incorporate information based on the planning documents of other federal agencies, and state and local governments, including the studies highlighted below. Furthermore, the DEIS should take into consideration that the Livingston Avenue Bridge was added to the Capital District Transportation Committee's Transportation Improvement program in 2009 in anticipation of ARRA funding **contingent on restoring pedestrian and bicycle accommodations across the bridge.**

Both Albany County and the City's Common Council passed resolutions of support of the re-establishment of the walkway and highlighted the benefits of restored access in several state and federally funded plans including the *Albany 2030 Comprehensive Plan* (2011), *Albany Master Bike Plan* (2009), and the *Patroon Creek Greenway Plan* (2004).

The Walkway has also received significant support from Rensselaer County and the City of Rensselaer – both passed resolutions of support. Local planning studies that acknowledge the Walkway include the *City of Rensselaer Local Waterfront Revitalization Program Update* (2011) and the *Rensselaer County Trail from the Livingston Ave. Bridge to the Troy-Menands Bridge* (2004).

The Hudson River Valley Greenway and Greenway Conservancy also passed a resolution acknowledging the role the walkway could play in connecting local, regional, and a statewide system of trails. Studies that identify the regional opportunities of the Walkway include the *Hudson River Crossing Study* (2008), *Tech Valley Trails Regional Trails Plan* (2007) and *REVEST (Regional Enterprise for a Vital Economy and Sustainable Transportation)* (1998).

The Livingston Avenue Bridge was identified in 19 separate instances in the DEIS – many of which include “specific discussions” of the Bridge and its potential replacement – but a future Walkway was not mentioned a single time. For example, the description of the Bridge on page 3-24 of the DEIS identifies the specific goals of the “Livingston Avenue Bridge Replacement Project” to “improve safety / reliability, travel time, remove speed / weight restrictions, increase capacity,” but does not highlight the additional transportation goal of restoring safe and convenient bicycle and pedestrian access across the bridge as identified in several local and regional transportation studies and supported by each of the municipal and county governments on each side of the bridge.

*“Failing to include a pedestrian component in this bridge would be shortsighted, and we can't make that mistake. That's why I'm urging everyone from CSX to Amtrak to NYS DOT to climb aboard with this plan, so that every design going forward will link up the biking and walking paths on both sides of the scenic Hudson.” - United States Senator Charles Schumer*

Restoration of the Walkway, and High Speed Rail in general, is a critical Title VI and environmental justice issue. The census tracts immediately adjacent to the Bridge are strikingly disadvantaged. Households within the Albany side census tract have strikingly higher unemployment rate and percentage of individuals on public health coverage than the percentage of households in the remainder of Albany, the Metropolitan Statistical Area, and the rest of New York on average. The same rings true for the percentage of households receiving public assistance, SNAP/food stamp benefits, and families living below the poverty level. The median household income for the census tract on the Albany side of the bridge is lower than \$12,000 and nearly 58% walk or use transit to commute to work. For the city of Rensselaer (the city's two census tracts are delineated by the rail line leading to the bridge) the percentage of households with incomes below \$25,000 is higher than the New York State average and the MSA. The same rings true for the percentage of households receiving public assistance, SNAP and food stamp benefits, and families living below the poverty level. These families will see no direct benefit from High Speed Rail, but they will experience increased noise and emissions. The Environmental Justice issues in the areas surrounding the bridge must not be ignored.

Bicycle and pedestrian advocates believe that by including a bicycle and pedestrian walkway in the reconstruction of the bridge, the capital region will benefit from better access to our waterfront, growing network of trails, and downtowns. Not completing this addition during the overhaul today, could mean an expensive retrofit down the road – or worse – no future accommodation because of increased costs to retrofit. Potential conflicts between rail traffic and walkers & bicyclists can be minimized as has been done successfully in other such movable road and rail bridges in New York State.

In 2002, The Federal Rail Administration, at the direction of the U.S. Department of Transportation, developed a report for the purpose of examining safety, design, and liability issues associated with the development of shared use paths and other trails within

*“Together, trail proponents and railroad companies can help strengthen available legal protections, trespassing laws and enforcement, seek new sources of funding to improve railroad safety, and keep the railroad industry thriving and expanding in its services.” – Rails-with-Trails, Lessons Learned*

or adjacent to active railroad and transit rights-of-way. This comprehensive document not only outlines the risks and benefits associated with rails with trails, it also highlights several case studies, presents best practice design guidelines, and provides sample legal agreements for trail managers and Rail Road operations. When the report was commissioned, there was an estimated 400 miles of rails with trails in the US. By 2007, Rails-to-Trails Inc. estimated the total US mileage of Rail with Trail had grown to nearly 900 miles of safe, accessible, and popular trail adjacent to, and in close proximity to operating freight, passenger, and inner-city light rail. The findings of FRAs report should be included as an appendix to the Empire Corridor EIS as to document the opportunities, not just for the Livingston Avenue Bridge, but for the entire corridor, for rail and trail to safely coexist.

The Livingston Avenue Bridge was originally constructed as a multi-modal facility. The new bridge should reflect the region's commitment to provide excellent bike and pedestrian facilities in our urban areas. A multi-modal bridge will link a growing network of multi-use trails, including the Erie Canalway Trail, Albany County's Helderberg Hudson Rail Trail, and the proposed Rensselaer County Trail. Enhancing walking and biking transportation across the Hudson River will increase the efficiency of the transportation network and will not impede rail traffic. Pedestrian and bicycle investments provide a wide array of benefits including increased access to healthy places for physical activity; encouragement of longer tourist stays and increased spending; opportunities for locally owned businesses to capitalize on the emerging bicycle tourism market; and ease of congestion thus realizing a reduction in greenhouse gasses. The regional social, environmental, health and economic benefits of the Walkway should not be overlooked.

We are sensitive to the fact that the Corridor EIS is intended to take broad, corridor-level issues into consideration. The Livingston Avenue Bridge Walkway is a critical component of the state-wide and regional bike and pedestrian network – thus, it is imperative that the Tier 1 Draft Environmental Impact Statement (DEIS) for the Empire Corridor acknowledge the benefits provided by this facility to ensure it is developed along with a replacement or rehabilitated river crossing.

In summary, we request inclusion of the following in the Tier 1 EIS

- Inclusion of the Livingston Avenue Bridge Walkway benefits
- Recognition of the 2002 Federal Rail Administration report on Rails with Trails
- A Title VI and Environmental Justice Analysis of the scenarios

Thank you very much for this opportunity to submit comment.



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