



NEW YORK STATE SENATOR

Timothy M. Kennedy

Move Them Out: Kennedy & Lackawanna Neighbors Demand Buffalo & Pittsburgh Railroad Move Parked Railcars out of Residential Neighborhood

TIMOTHY M. KENNEDY August 24, 2018



Tracks are in Vicinity of Global Concepts Charter School, Senior Apartments, Single-Family Homes, and Cemetery

Stored Train Cars Pose Risk to Children who Could Sneak onto Track, are Unsightly, and Can Attract Crime

LACKAWANNA, NY – Senator Tim Kennedy stood today with neighbors and local leaders in Lackawanna to demand that the Buffalo & Pittsburgh Railroad remove parked railcars from the track in their neighborhood and cease their practice of parking railcars in residential neighborhoods. In a letter to the railroad, Kennedy cited the track's proximity to Global Concepts Charter School's K-8 facility, a senior apartment complex, single-family homes, and a large cemetery. Kennedy and the neighbors also expressed concern that, in addition to being a risk to children who could get hurt playing near or on the cars, that they can also be a public safety risk, with railcars attracting vandalism. Copies of Kennedy's letter were also sent to leaders at the New York State Department of Transportation's Freight Rail Bureau and the Federal Railroad Administration.

Over the past few years, railcars were stored on this stretch several times, including boxcars and tanker cars. After years of frustration, the local community is demanding an end to this practice. Earlier this year, Kennedy's office reached out to the railroad multiple times by phone, with the railroad eventually agreeing to remove the tank cars that had been stored there. Unfortunately, just months later, new railcars have arrived.

"This isn't an industrial or commercial area," said **Senator Kennedy**. "This is a neighborhood, with schools, children, and families. It is no place for railcars to be stored. Whether there is a private property sign or not, it won't stop kids from sneaking around and possibly getting hurt on these railcars. They need to go, it's that simple. Nearly 700 children attend the school nearby, and at the end of the day the last thing we need is kids finding their way to the tracks and getting hurt. While we await information from the DOT and FRA, I urge the Buffalo & Pittsburgh Railroad to do the right thing and remove these railcars once and for all."

"Lackawanna residents deserve better than this," said **Lackawanna Council President Annette Iafallo**. "The Buffalo & Pittsburgh Railroad needs to hear our call and get these railcars out of

Lackawanna once and for all. I appreciate Senator Kennedy's efforts to make this right, and I hope that neighbors in the community can look forward to a day where their backyards aren't taken over by railcars."

"Neighbors in the Third Ward have had to deal with these railcars for years now," said **Third Ward Councilman William Leonard**. "It's time for the Buffalo & Pittsburgh Railroad to do the right thing and be a good member of the local business community. They need to remove these cars immediately, and cease their practice of parking them in our backyards."

"I have to see these huge train cars in my backyard every day, and it's not right," said **Lackawanna resident Robert Gall**. "It attracts trouble and is just ugly to look at it. Senator Kennedy is right. The railroad needs to get these railcars out of our neighborhood now."

The stretch of railroad in question is bounded roughly by Ridge Road, Orchard Place, Holy Cross Cemetery, and Smokes Creek in the City of Lackawanna. The Buffalo and Pittsburgh Railroad is a subsidiary of Genesee & Wyoming Inc., a publicly-traded railroad company that reported net income in 2017 of \$556 million,

The text of Kennedy's letter is below:

August 24, 2018

Mr. Dan Pavick, General Manager

Buffalo & Pittsburgh Railroad, Inc.

400 Meridian Centre

Suite 300

Rochester, New York 14618

Dear Mr. Pavick,

I write with concern over reports from constituents that railcars are being parked, once again, on track owned by the Buffalo & Pittsburgh Railroad (BPRR) in the City of Lackawanna, in the vicinity of a school, a cemetery, and residential properties. As my staff has communicated to BPRR previously in verbal conversations, we believe that this location, located roughly between Orchard Place, Ridge Road, and Holy Cross Cemetery, is not a safe location for the storage of railcars. It is easily accessible to children who can be injured and this will harm the quality of life for residents.

Global Concepts Charter School, which hosts nearly 700 students in grades K-8, is located extremely close to this location, as are the Orchard Place Senior Apartments. This is not an industrial or commercial neighborhood. Instead, it features numerous single-family homes, many with backyards directly abutting the tracks. Several nearby neighbors have called my office, expressing concern about where the railcars are being stored, and what those cars may contain. This is a quality of life issue and a safety issue. I urge BPRR to find a new location for these cars, and to end their practice of storing rail cars in residential neighborhoods.

Thank you for your attention to this matter. Should you have any questions, I welcome your call.

Sincerely,

Timothy M. Kennedy

New York State Senator, 63rd District

Cc: Raymond F. Hessinger, P.E., NYSDOT Freight Rail Bureau Director

Mark McKeon, Regional Administration, Federal Railroad Administration

###