

NYS Senate
Standing Committee on Transportation

Transcript of the Testimony of
Public Hearing
Held in Syracuse, New York

RE: NYSDOT Five-Year Capital Plan

Date Held: October 29, 2009



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2 NEW YORK STATE SENATE
3 STANDING COMMITTEE ON TRANSPORTATION

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4 Public Hearing

5 Re: NYS DOT FIVE-YEAR CAPITAL PLAN

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7 Location: Syracuse City Hall
8 233 East Washington Street
9 Third Floor, Common Council Chambers
10 Syracuse, New York

11 Date Held: October 29, 2009

12 Time Began: 12:00 p.m.

13 Time Ended: 2:55 p.m.

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15 Presiding: Senator Martin Malavé Dilan, Chair
16 Senator David J. Valesky, Host

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21 Stenographer: Jennifer A. Gofkowski

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2 P R O C E E D I N G

3

4 SENATOR DILAN: We're ready to start if
5 everyone can kindly take a seat.

6 Hello. I'm State Senator Martin Malavé Dilan,
7 Chair of the Standing Committee on Transportation
8 for the State of New York State Senate. I represent
9 the 17th Senatorial District in Brooklyn, New York.
10 And I'm also joined by State Senator David Valesky,
11 which I think you're all familiar with. He's the
12 host senator this afternoon.

13 And I want to thank all of you for
14 participating in this first public hearing of the
15 Transportation Committee regarding the proposed
16 idea, capital repair.

17 So in advance, I want to thank you for your
18 input this afternoon.

19 And just briefly, I want to indicate that I
20 called these hearings because I want everyone in the
21 State of New York to understand that there's one
22 state in the State of New York, and it's everybody
23 in the State. It's not just the MTA or New York
24 City. And when we passed the financial package for
25 the MTA and the New York City region, we also passed

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2 a Two-Year Capital Plan for them. And at that time,
3 we made a commitment to the rest of the State that
4 we will fund a Five-Year Capital Plan for highways
5 and bridges in the entire state and for the rest of
6 the State. And we're here to keep that commitment.

7 And today we're in Syracuse to focus on the
8 needs of this region and the needs of this MPO area.

9 So with that said, I look forward to your
10 testimony and have an open dialogue and we want as
11 much input as possible to make this a good plan and
12 to make sure that our roads and bridges are
13 maintained and that we're not always in an emergency
14 situation.

15 I think the recent closure of the bridge in --
16 Crown Point Bridge I think is a perfect example of
17 why we need to fund the Five-Year Capital Plan. And
18 we in the Senate and Legislature, we're going to get
19 the Agency and the Governor to understand that we
20 cannot work on an emergency basis. There must be a
21 plan to maintain roads and that we have to improve
22 all phases of transportation: highways, bridges,
23 rail and aviation. Everything has to be included in
24 order that we have a healthy state and that our
25 economy in all parts of the state is working for

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2 everyone because we'll have a better state for it.

3 With that said, like I indicated, I'm here with
4 Senator Valesky. And since this is his hometown,
5 I'm going to let him co-chair with me and he'll be
6 running the meeting from this point. And he can
7 also say a few words to you. And he has a very
8 distinguished title as a senator, but I'll let you
9 indicate that.

10 Senator, please have the seat.

11 SENATOR VALESKY: Thank you. Musical chairs
12 here before we get started.

13 Thank you everyone for being here this
14 afternoon. This is obviously a very, very important
15 topic that we are addressing. I want to personally
16 thank Chairman Dilan for convening this series of
17 public hearings.

18 You know, I think it's more important now than
19 even before the Department of Transportation
20 submitted its \$25.8 billion Capital Plan to the
21 Governor's office. And I say that because we know
22 that the Governor has expressed concern in terms of
23 how to fund a Five-Year Capital Plan.

24 So I think it's even more critical that the
25 Legislature, as the Chairman indicated, play a very

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2 forward-thinking and aggressive role, not only from
3 the perspective of certainly the safety of our roads
4 and bridges, you mentioned the Crown Point Bridge in
5 Lake Champlain but certainly the economic impact and
6 the economic development impact that capital plans
7 have for the people of this state.

8 So welcome to Syracuse. Thank you, again. And
9 we will begin with our presentations.

10 At this point, we ask both Mike Shamma and
11 Carl Ford to come forth.

12 Mike is the Regional Director of DOT Region 2;
13 Carl right here in Syracuse Region 3 and we'll begin
14 with their presentations.

15 Before you begin, I just wanted to acknowledge
16 in the back of the room we have Chuck Murphy from
17 Senator John DeFrancisco's staff. Chuck, thanks for
18 joining us.

19 MR. CARL FORD: Good afternoon. Thank you,
20 Chairman Dilan, Senator Valesky, and Honored Guests.
21 Thank you for the opportunity to provide these
22 remarks today.

23 The New York State Department of Transportation
24 appreciates the opportunity to be here today and to
25 participate in this important hearing.

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2 The transportation system funded through the
3 NYSDOT Capital Program impacts the daily lives of
4 all 19 million New Yorkers in all 62 counties across
5 the State. This network provides the required
6 mobility for the delivery of the goods that we use
7 every day and for personal travel. We know that the
8 investment needs of our system are growing.

9 New York has one of the oldest infrastructures
10 in the nation; much of it was constructed before the
11 interstate highway system and that was established
12 more than 50 years ago. And in fact, some parts of
13 our system are more than a century old.

14 In addition, our infrastructure is among the
15 most heavily used in the nation and it faces the
16 effects of harsh winters. We expect system demand
17 to transport both passengers and freight to increase
18 over time.

19 New York's transportation infrastructure is now
20 in need of repair and modernization. The need of
21 this investment in the State's transportation system
22 is evidenced through recent national and state
23 studies.

24 The National Service Transportation Policy and
25 Revenues Study Commissions 2007 report cited the

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2 need to more than double the level of investment in
3 the Nation's transportation infrastructure. The
4 report cited the importance of both maintaining the
5 existing infrastructure and making strategic
6 expansions to serve the growing economy.

7 Also in 2007, NYSDOT's own 20-year-need's study
8 described the need for \$175 billion in investment
9 and transportation infrastructure under NYSDOT's
10 jurisdiction. Achieving this level of investment
11 would require more than doubling the resources for
12 NYSDOT's Capital Program.

13 Our own data on system conditions shows that we
14 are barely holding on and many parts of the highway
15 system will soon be in need of repair or
16 replacement.

17 We've also heard about the needs of our local
18 communities both during the State's outreach for
19 local project, as part of the American Recovery and
20 Reinvestment Act, or IRA, and from our additional
21 outreach to local officials this past summer in
22 preparing for our Capital Plan proposal.

23 The New York invested record sums in the
24 infrastructure during this current Five-Year Capital
25 Plan period more than \$18 billion from 2005 through

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2 2010.

3 We've also experienced unprecedented inflation
4 in materials such as steel and asphalt during this
5 period. And the Nation saw some of the most
6 dramatic spikes in fuel prices in 2008. This ate
7 away the Department's ability to deliver the
8 projects that we expected to deliver during this
9 period.

10 But there was some good news for transportation
11 investment earlier this year. The American Recovery
12 and Reinvestment Act provided a one-time boost in
13 funding to allow us to make progress on addressing
14 transportation deficiencies and creating jobs to
15 spur the economy. Under Governor Patterson's
16 leadership, the Department has delivered on both
17 these goals.

18 The stimulus money required NYSDOT to obligate
19 50 percent of the highway funds provided to the
20 State within 120 days. We met this deadline 33 days
21 early. We were among the first states in the Nation
22 to do so. We continue to deliver.

23 Governor Patterson has worked with federal,
24 state and local officials to certify projects as
25 required under the Recovery Act and thereby gaining

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2 the necessary funding to put shovels in the ground
3 and help create and retain jobs.

4 Because of this, to date NYSDOT has designated
5 99 percent of the \$1.12 billion in highway funds
6 provided in the Recovery Act to specific projects.
7 And we expect to have a full 100 percent selected by
8 the end of the year. This is more than two months
9 in advance of the federal deadline of March 2nd,
10 2010.

11 It's worth noting that more than half the
12 transportation money New York State received as part
13 of the Recovery Act went directly to local projects.

14 In the Central New York Region, the Bartel Road
15 bridge replacement over Interstate 81 and Onondaga
16 County was the first Recovery Act project to begin
17 construction in this part of the state.

18 This \$6.5-million job eliminates one of the
19 Region's lowest bridges and improves the alignment
20 of the interchange.

21 The stimulus is also responsible for the
22 widening and reconstructing of Taft Road, which is
23 an important east/west connector just north and east
24 of Syracuse.

25 In Mohawk Valley, NYSDOT has made a significant

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2 investment to address deteriorated high-volume city
3 streets utilizing Recovery Act funds and for
4 projects in Amsterdam, Johnstown, Gloversville,
5 Little Falls, Utica, Rome, Oneida and Sherrill,
6 NYSDOT provided the design and construction
7 inspection services at no cost to the
8 municipalities.

9 Statewide, approximately 60 percent of the
10 highway funding provided by the stimulus package is
11 now under construction. What you don't see today
12 will be under construction as soon as the weather
13 permits in the spring.

14 NYSDOT has also taken every opportunity to
15 apply for available stimulus funding.

16 In August and early October, New York submitted
17 applications for the \$8 billion made available to
18 move toward national high speed rail. New York is
19 optimistic that we will be successful in the
20 selection, results of which are due this winter.

21 New York has also submitted applications for
22 funding for regionally significant transportation
23 projects under a federal competitive grant program
24 that the federal DOT is calling the TIGER program
25 for competitive grants for transit, ferry,

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2 environmental and energy projects.

3 While the funds provided under the Recovery Act
4 are welcome and needed, they were not enough to meet
5 our growing needs. In fact, they represent less
6 than 1 percent of our documented 20-year needs and
7 only make up for about half of what has been lost to
8 inflation over the last five years.

9 Continued and sustained investment in our
10 infrastructure is needed if we are to meet the
11 transportation needs of the citizens of New York and
12 to the future.

13 At this time, I'd like to introduce my
14 colleague, Mr. Michael Shamma, who is the regional
15 director of the Mohawk Valley Region.

16 MR. MICHAEL SHAMMA: Thank you, Carl.

17 Thank you, Senator Dilan and Senator Valesky,
18 for taking the time to listen to the presentation,
19 and thank you Honored Guests.

20 Between Carl and I -- he mentioned the 62
21 counties in the State of New York. Between him and
22 me, we represent multiple counties, the Central
23 New York and Mohawk Valley and the Adirondacks.

24 New York State DOT Capital Plan proposal
25 provides a starting point for the future investment.

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2 Earlier this month the Department put forward a
3 proposed Capital Plan that lays out our investment
4 priorities, strategies and initial performance
5 measures and, similar to the MTA's Five-Year Capital
6 Plan, proposes \$25.8 billion in funding over the
7 next five years for investment in the State's
8 highways and bridges, Downstate suburban and Upstate
9 transit systems, rail passenger and freight and
10 aviation and port infrastructure.

11 This level of funding is an increase of more
12 than 40 percent over the record-setting investments
13 of the current five-year program which expires in
14 March 2010.

15 The Plan provides equal increases to highways,
16 transit and freight and port investments. The
17 State's highway and bridge dedicated trust funds
18 need additional resources to meet current capital
19 commitments and will need even larger increases to
20 meet future needs.

21 Currently nearly half of the revenue coming
22 into the fund is used to pay debt service. Without
23 new resources by 2013 we expect debt service to
24 consume three-quarters of the Fund's annual
25 revenues. And the situation is similar at the

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2 federal level.

3 The Federal Highway Trust Fund has required
4 transfers of general fund money during the past two
5 fiscal years to meet current commitments. To meet
6 growing demands, new funding streams will need to be
7 found.

8 Funding for federal transportation programs
9 expired on October 1st and Congress is considering a
10 short-term extension until an agreement can be
11 reached on how to fund a long-term bill.

12 With the lack of a multiyear federal
13 transportation bill and the severe fiscal
14 constraints on the State, it will be a significant
15 challenge to find the resources for transportation
16 investment.

17 The investment priorities and strategies laid
18 out in a plan detail how New York State DOT plans to
19 invest in the transportation system.

20 NYSDOT's investments priorities are:

21 Safety of the traveling public. Our first
22 priority must always be to ensure the safety of
23 those using our infrastructure.

24 Number 2 is preservation of transportation
25 assets. One of the best ways to ensure system

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2 safety is to invest in bringing our transportation
3 infrastructure back to a state of good repair and to
4 use an asset-management strategy, which means
5 undertaking the proper maintenance strategies at the
6 proper time to maximize a useful life of the
7 infrastructure and to minimize our overall cost over
8 time.

9 Number 3 is investments that must support the
10 State's economic vitality. Keeping the system
11 functioning and investing where we can create
12 economic -- where we can creates economic
13 opportunities.

14 Number 4 is we must enhance this mobility for
15 people and goods. Improving the reliability of the
16 system, increasing service and all modes of
17 transportation and providing some capacity
18 enhancements where needed.

19 Number 5 is investing sustainably for the
20 future. This means investing in ways that will
21 reduce old energy consumption, including investing
22 in communities that are well-planned and support
23 public transportation, walking and biking.

24 And leveraging funding opportunities by
25 coordinating investments so we can get the most

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2 value out of all federal, state and local
3 infrastructure funds.

4 It also means building in ways that minimize
5 the environmental impact of transportation projects.

6 The Department also places a high priority in
7 providing maximum opportunities for Disadvantaged
8 Business Enterprises. I'm going to refer to them
9 now on as DBE. And for Minority- and Women-Owned
10 Business Enterprises, I'm going to refer to them as
11 MWBE from now on.

12 We have taken action recently and plan to do
13 more to strengthen these programs, including
14 one-on-one certification events; maintaining a
15 statewide outreach program; increasing the number of
16 MWBEs by speeding up the MWBE application process
17 for firms already certified as DBEs; increasing
18 internal MWBE utilization through staff training and
19 communication, making certain potential
20 opportunities for DBE participation are considered
21 in individual contract goal setting; and planning a
22 mentor protégé program for DBEs and MWBEs.

23 New York State DOT plans to focus its
24 investment on the most heavily used core system
25 asset first, including bridges and highways on the

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2 federal aid system. Bridges will receive the
3 highest priority.

4 Unfortunately, even with that said, we still
5 close bridges once in a while, like you've seen
6 recently. And Senator Valesky is well-aware of
7 Region 2, myself, closing two bridges in his
8 district over the last two years.

9 With the proposed investment level statewide,
10 we can expect to stabilize our federal aid eligible
11 bridge deck area and to maintain pavement conditions
12 of interstate and other high-volume roads. Pavement
13 conditions on lower-volume roads are expected to
14 decline somewhat.

15 Central New York bridge condition ratings are
16 among the worse in the state due to the numerous
17 freeze/thaw cycles and the extensive use of road
18 salts during our long and snowy winters.

19 Adversely, our highway conditions are currently
20 among the best because of more durable road
21 materials and a significant investment in
22 restoration and preservation projects. The pavement
23 treatments over the last few years have generally
24 been maintenance efforts to provide a safe and
25 functional highway in the short term.

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2 Underlying pavement problems that could not be
3 repaired because of scarce resources will resurface
4 in a few years.

5 In the Mohawk Valley, pavement and bridge
6 conditions on our high-volume facilities will remain
7 stable. However, the condition of lower-functioning
8 facilities on local bridges continues to be a
9 concern.

10 Of particular concern to me is the pavement
11 condition of the Adirondack Park roads. Although
12 these roads are the lifeblood for the communities,
13 we have not been able to address the overwhelming
14 majority of them due to competing priorities and
15 limited funding.

16 During our outreach effort this summer in
17 preparation for the Capital Plan, we heard loud and
18 clear from our local officials and stakeholders that
19 we need to invest in our local transportation
20 system. In response, New York State DOT's proposed
21 programming does propose significant increases in
22 funding for the local highways and bridge system.

23 The plan calls for more than 40 percent
24 increase of CHIPS and Marticelli [phonetic] funds;
25 programs that assist localities in meeting the

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2 capital needs and matching federal funds.

3 The plan also proposes several new initiatives to
4 support local infrastructure. These include
5 \$150 million to support new local bridge programs.

6 We did that back in the early '90s and that was
7 a very effective program; it was very well-received.

8 Another \$150 million to improve the local
9 touring route system. These facilities are numbered
10 groups that pass through many cities, towns and
11 local jurisdictions, but sometimes these facilities
12 are not under State jurisdiction.

13 These are often the main streets of the local
14 communities. And when they are not in the State
15 jurisdiction, the cities and localities are
16 responsible for the maintenance and operations.

17 Examples of these are Route 5 in Amsterdam and
18 Route 46 in the city of Oneida.

19 This program would assist in bringing these
20 facilities to a state of good repair. Comparable to
21 that is the State's touring facilities.

22 And \$25 million in funding for a new community
23 and corridor land use planning initiative that will
24 support regional smart growth analysis and community
25 and corridor planning to ensure that transportation

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2 investments effectively contribute to the
3 sustainability, livability and economic
4 competitiveness with our communities.

5 The New York State DOT Plan also recognizes
6 that even though times are challenging we cannot
7 stop planning for the future. There are key system
8 enhancements that should be funded to meet emerging
9 and growing demands to support economic growth.

10 Our largest proposed initiative would provide
11 \$300 million to move forward on the rail vision put
12 forward in the State's Rail Plan released earlier
13 this year.

14 This funding would match newly available
15 federal aid and would allow the State to undertake
16 key capital projects that will improve the
17 reliability of rail service, primarily between
18 Albany and Buffalo, and move toward high-speed rail
19 service along the entire rail corridor from New York
20 City, to Albany, to Buffalo, to Niagara Falls.

21 New York State DOT's plan recognizes three
22 critical investment areas: Core investments,
23 enhancements and major projects.

24 Core investments are those needed to preserve
25 and sustain our existing infrastructure. There's an

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2 emphasis on rehabilitation of replacement of
3 interstate bridges. In addition, there are projects
4 to widen and upgrade our heavily traveled arterial
5 highways, such as Route 104 in Oswego and Route 281
6 in Cortland, as well as several village improvements
7 projects in locations like Fayetteville, Freeville,
8 Parish and Seneca Falls.

9 These also include reconstruction of the
10 Route 28 Gateway into the Adirondack Park; the
11 replacement to the Route 389 bridge in the village
12 of Fonda; and the replacement of three bridges
13 leading into the city of Rome.

14 Enhancements.

15 Strategic expansions to the existing system
16 needed to accommodate growth and future needs.
17 Route 381 in Onondaga County has seen explosive
18 commercial and residential growth in the past ten
19 years. And a project is currently in the planning
20 stage to improve traffic flow and enhance safety
21 between Route 11 and Thompson Road; right in and out
22 of the Port of Oswego can also benefit from rail
23 terminal- and truck-access improvements.

24 Enhancements also include the development of a
25 multimodal facility in the city of Utica,

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2 improvements at the Frankfort Industrial Park and
3 signal and track improvements along CSX main line.

4 Major projects: Those projects critical to
5 system function or expansion that require resources
6 beyond our current needs.

7 The I-81 viaduct challenge in the Downtown
8 Syracuse area will affect the entire Upstate
9 transportation system for many years to come.

10 This structure was built in the mid-1960's and
11 is approaching the end of its useful life. The
12 public will play a very important role in
13 determining the chosen alternative.

14 For the Mohawk Valley, this theme of major
15 project is exemplified by the critical replacement
16 of the north/south arterial viaduct in the city of
17 Utica. As the area's highest volume roadway and
18 improvement, an important economic corridor, the
19 \$70-million investment is of the utmost priority.

20 And there is a public transportation operating
21 system to consider.

22 While one objective of New York State DOT's
23 Capital Program is to address the capital needs of
24 the Upstate public transportation system, the
25 Department recognizes that the Central New York

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2 Regional Transportation Authority requires a steady
3 and predictable level of operating a system to
4 stabilize the existing service and fair levels and
5 to effectively leverage the proposed capital
6 investments.

7 In State Fiscal Year 2010-2011, the Central
8 New York Regional Transportation Authority is
9 projecting an operating deficit of approximately
10 \$6 million. The Department is prepared to work with
11 the legislators to address this important and
12 increasing need.

13 All of this said, New York State DOT recognizes
14 that even at the proposed levels of investment the
15 Plan will not meet all of our infrastructure needs.
16 It is a down payment on the future and what we can
17 accomplish at what pace will depend on available
18 resources.

19 The amount needed to preserve and improve the
20 State's diverse transportation system is large and
21 will continue to grow as the system ages. Without
22 the sustained level of investment, it will be
23 impossible to maintain a condition of the many
24 pieces of the transportation system, to say nothing
25 of expansion and enhancement to meet the economic

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2 and other emerging needs. This is necessary -- a
3 necessary commitment to protect the traveling public
4 and to spur economic recovery and to pave the way
5 for future growth.

6 If adequate levels of transportation investment
7 can be sustained in the future, then progress will
8 continue on the longer-term goal of achieving a
9 state of good repair.

10 Under the leadership of Governor Patterson, the
11 New York State Department of Transportation looks
12 forward to working with you to continue to meet our
13 infrastructure needs and our obligations to the
14 public.

15 Thank you.

16 SENATOR VALESKY: Thank you, Mr. Shamma,
17 Mr. Ford. Just a couple questions before we do
18 that, though. I just want to mention a couple of
19 housekeeping items.

20 First, we have the Senate Stenographer and
21 Senate Media Services. We are webcasting all public
22 hearings at this point and the hearings themselves
23 will be archived at the Senate website so I want to
24 call that your attention.

25 Also, as we call you forward, if you have

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2 written testimony, perhaps provide it to, you, Jose,
3 and you'll get it to us? Okay. That would be
4 great.

5 There are many areas that we can certainly
6 touch on, no question about that, from rail, to air,
7 aviation, smart growth, local needs. Let me just
8 focus a few questions and Senator Dilan will focus
9 on some issues.

10 I'm particularly interested in to zero in on
11 the issue of public safety given the Crown Point
12 Bridge, and certainly as we all heard over the
13 last -- over the national news over the last two
14 days, the situation with Bay Bridge in California.
15 Obviously not our responsibility, but I think it
16 underscores the issue of infrastructure needs across
17 the country.

18 We use the phrase "state of good repair," I
19 think is the phrase we use. Is that correct?

20 MR. CARL FORD: Yeah.

21 SENATOR VALESKY: The \$25.8 billion DOT
22 Proposed Capital Plan, does that in your
23 professional opinions -- assuming that is what is
24 funded, can New Yorkers be assured that their roads
25 and bridges will, in fact, be in a state of good

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2 repair at the end of that Five-Year Capital Plan?

3 MR. CARL FORD: Well, let me start and you
4 can --

5 MR. MICHAEL SHAMMA: Sure.

6 MR. CARL FORD: -- add whatever you feel is
7 appropriate.

8 In my opinion, Senator, at that level of
9 funding, we will have the resources that we need to
10 keep the infrastructure in a state of good repair.

11 There are very few enhancements in that
12 program. Essentially, it's the resources to keep
13 the infrastructure in a condition that it's in today
14 and to prevent further deterioration.

15 We believe that our system is safe. We take
16 great measures to ensure that's the case, whether
17 it's inspecting bridges or taking appropriate
18 maintenance measures to ensure that the pavements
19 are functional and in safe condition. And I believe
20 the \$26-billion level would allow us to maintain the
21 system in a state of good repair.

22 SENATOR VALESKY: Thank you.

23 MR. MICHAEL SHAMMA: I will second what Carl
24 said. In terms of safety, we never believe
25 anything. I mean, that's why we close the bridges

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because you get to a point where they're no longer safe so we close them down. As unfortunate as it is and as much as it places an economic burden and other kinds of burdens on the locals, we still will not leave them open.

At the \$26-billion level, we will pretty much hold conditions steady. We'll improve on the higher-level facilities, on the some of lower-site facilities; things that are important to the locals, but from a statewide perspective may not be as much as a priority; things like Gainesville.

So I think even at the \$26-billion level, if you look at that, it says it was a 40-percent increase from the last five-year program. Well, the analysis shows -- whether it was done by us or done by others, it shows that we're really about half where we need to be.

So even at that level, certain types of facilities will continue to be of concern. In terms of -- I mean, Senator, you mentioned the Bay Bridge in San Francisco. Also, not long ago, I-95 in Philadelphia was closed back in March of 2008 because we found a crack in it and we had to get in to fix it. Luckily they were able to fix it in a

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2 few days. But I'm concerned.

3 In my region, I'm currently going through some
4 analysis to see that even at the higher-level
5 investment: What roads will I be able to keep open
6 ten years from now?

7 SENATOR VALESKY: One of the reasons why I ask
8 that question is I imagine if -- I wasn't part of
9 the development of the five-year plan that is now
10 concluding, I would imagine at that point in time,
11 which was a record investment from the perspective
12 the legislature, probably we would not have talked
13 about the bridges that have closed in Oneida County.
14 I doubt that that would have been -- the Crown Point
15 Bridge would not have been planned to have been
16 closed at the time of funding that Five-Year Capital
17 Plan. So I'm trying to determine, is it the cost
18 increases that --

19 MR. CARL FORD: Mm-hmm.

20 SENATOR VALESKY: -- that occurred over that
21 period of time that make what at one point in time
22 or when a capital plan is developed adequate to
23 fully ensure that -- in this case, bridges remain
24 open and safely traveled over, or are there other
25 factors that we should aware of as we develop our

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2 response?

3 MR. CARL FORD: I have actually -- I wrote
4 down -- because I ask myself the same question
5 sometimes. We're saying we had record investments
6 in the last five years, yet we got to this point.
7 How did we get to this point?

8 SENATOR VALESKY: Right.

9 MR. CARL FORD: And I'm going to give you an
10 example.

11 Back in 1993, we did a project to reconstruct
12 10 miles of Route 30 from Long Lake to the Franklin
13 County line. At that time, that project cost
14 \$10 million. We took that same project -- we still
15 have the analysis that we've done. We ran the item,
16 you know, how much it would cost -- all these
17 items -- today. That project today would cost \$17
18 million; the same project. So that's a 70-percent
19 increase.

20 If you look at between 2003 and 2007, steel
21 prices alone rose 120 percent between 2003 and 2007.
22 Asphalt prices rose 150 percent.

23 If you look at the level of state investment
24 between '95 and 2007, I believe the increase in
25 state spending and transportation went up by

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2 11 percent; the increase in federal spending went up
3 by 44 percent.

4 If you add up all these increases, they did not
5 keep up with inflation.

6 So if you look at a bridge -- for instance, a
7 bridge always tells you how much it's going to cost.
8 You can't cut a corner on a bridge. When you need
9 to replace it or fix it, if it cost \$6 million, it
10 cost \$6 million. The same bridge that years ago
11 used to cost 2 million now costs 6 million.

12 Pavements, unfortunately, we've been cutting
13 corners on pavement for a long, long time because
14 we're not really giving them the proper treatment.
15 We try to hold them together and then they become a
16 problem five, six years down the road.

17 So that's what eating -- you know, it's a
18 record investment, yet it really didn't keep up with
19 inflation.

20 SENATOR VALESKY: Do you want to add?

21 MR. MICHAEL SHAMMA: I'll just add a couple
22 points and one is that a big part of the problem
23 resourcewise is the increase in cost of materials,
24 and particularly the spike that we saw in 2008 as a
25 result of the cost of energy.

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2 Because when you think about it, the cost of
3 oil figures into everything that we do in the
4 transportation business, every material that we use
5 costs energy to produce. And whether it's making
6 the material, bringing it to the job site or
7 incorporating it into the job, it's a very
8 energy-dependent industry.

9 We saw our costs go out of sight and very
10 seriously restricted the amount of work we were able
11 to do. And we are still seeing some of that,
12 although the costs are somewhat moderated. And
13 we're really probably poised on the brink of
14 something that -- just looking ahead we, I think,
15 realize that the cost of oil we're looking at now is
16 not sustainable.

17 I think the other thing that comes into play --
18 I'll just use a Central-New-York example -- is the
19 fact that, although we mentioned it in the
20 testimony, just to reemphasize the infrastructure,
21 particularly the interstate system, the needs are
22 all coming due at once. We can talk at length about
23 the I-81 Viaduct which is a typical age, that 50 to
24 60 years, for an interstate bridge system.

25 But just looking back a couple years ago when

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we were somewhat surprised with the I-690 bridge over CSX railroad where we discovered a very significant crack in one of the bridges. I believe it was three days before the start of the State Fair. And it went into an emergency mode and came up very quickly with a replacement project. And I'm very pleased to say those bridges are now replaced.

But that was something that we didn't foresee. It was something that happened because of the age of the structures and it was, if I remember correctly, a \$14-million project that came out of the blue, so to speak.

But we have a similar situation, not as bad, but with the I-81 bridge over the Oneida Lake Outlet where we found some problems with a beam out there.

Again, there's a bridge that's aging on the interstate system; a very large bridge. And as we go forward, we're going to see more and more of those situations even though we're on a regular basis -- at least every two years -- going through those inspections of our bridges. Some things are creeping up just because of the age and because of the heavy traffic that they're undergoing. And that's really going to be a huge, huge challenge for

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2 us.

3 SENATOR VALESKY: One final question on that
4 issue because I think it's important to underscore.

5 The Crown Point Bridge -- according to, I
6 believe, the study that your agency commissioned in
7 May of this year, the Crown Point Bridge had a
8 rating of 3.38 out of 7. And I believe that report
9 also indicates over a hundred bridges throughout the
10 state have the same or worse rating as the Crown
11 Point Bridge has.

12 As I look at your Capital Plan -- I believe I'm
13 looking at this correctly -- \$300 million to address
14 critical local road and bridge needs.

15 Are you confident that -- that is a concern, I
16 think. And I have had the conversation with both of
17 you. And you have both have assured me that you are
18 not going to allow New York motorists to travel over
19 bridges that are unsafe. We've had these
20 conversations before.

21 But over a hundred bridges that have a rating
22 equal to or worse than the Crown Point Bridge in
23 Lake Champlain would indicate to me that New Yorkers
24 may have to be prepared for many more bridge
25 closings.

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2 And I just want to be absolutely crystal clear
3 that whether it's 300 million out of the
4 25.8 billion or if it's broken down in some other
5 way, does that include a more aggressive bridge
6 inspection schedule?

7 Does that just relate to maintenance and repair
8 efforts?

9 I'm just anxious to get a little more detail on
10 exactly what the proposal provides in terms of
11 ensuring, to the best of its ability, that these
12 bridges that are rated at or worse than Crown Point
13 Bridge, we're going to do something about them.

14 MR. MICHAEL SHAMMA: I'll start.

15 I think the -- again, the important thing to
16 note is that we are committed to make sure that
17 every structure on the system is safe for the
18 traveling public and we will continue to do that.

19 I don't believe, in general, it requires
20 anymore stringent bridge inspection. We already
21 have a very -- very stringent, probably if not the
22 best, one of the best bridge inspection programs in
23 the country. We're under very -- very demanding
24 federal guidelines and adhere very closely to the
25 national bridge inspection system.

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2 As I mentioned earlier, the typical inspection
3 cycle is two years for every bridge in the state,
4 whether it's state owned or locally owned. Based on
5 the condition of a bridge, that frequency can be --
6 can be sooner. Quite often if we know there is a
7 structural problem with a bridge we will do what's
8 called an interim inspection and that will be on an
9 annual basis.

10 We have a system that's known as a flagging
11 procedure.

12 When our bridge inspectors, who are licensed
13 professional engineers -- and not all states in the
14 country have licensed professional engineers
15 inspecting their bridges -- when they find a serious
16 problem with a bridge, particularly a structural
17 problem, there will be a -- what's called a flag
18 written, and the owner of the bridge will be made
19 aware of the situation.

20 And depending on the severity, if it's
21 something very severe, there's a very tight time
22 frame involved -- normally 24 hours -- during which
23 appropriate action must be taken.

24 So I'm very comfortable with the level of
25 inspection, the level of oversight that we have for

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2 our bridges.

3 I know that the proposed program has resources
4 for more preventative maintenance. And that is
5 really the key to longevity for pavements; whether
6 it's making sure that the washed road salt is
7 removed in the spring to try to limit corrosion, or
8 attending to some of the smaller repairs, to the
9 foundations in the steel that are necessary to make
10 sure that little problems don't turn into bigger
11 problems.

12 Just reading some statistics here for Region 3,
13 the Central New York Region. This program was
14 ranked 77 percent for the interstate bridges into
15 the good-and-excellent category, which is certainly
16 an improvement.

17 The -- about 71 percent good-and-excellent for
18 the deck areas for the interstate bridges. That
19 tends to be a problem in this climate when we have a
20 lot of salt usage.

21 And 89.4 percent either good or excellent on
22 the national highway system.

23 Very significant increase from what we're --
24 what are our statistics are today. It won't bring
25 them all up to perfect condition by no means but

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2 certainly making great strides for bringing up a lot
3 of those that are rated 3 level today.

4 MR. CARL FORD: I have two teenage daughters
5 and about over 11 -- or over a thousand bridges that
6 I'm entrusted with the safety of and these are the
7 things that keep me up at night.

8 We take -- as Carl said, we take it very
9 seriously. We do have one of the best, if not the
10 best, and that's not something we're saying. FHWA
11 has acknowledged that.

12 So New York State really leads the country in
13 terms of how serious we are about inspecting the
14 bridges and keeping them safe.

15 Actually as bad as this may sound -- and it
16 sounds strange and counter-intuitive -- when we
17 close a bridge, that's a good thing. That means we
18 did not let it stand and people went -- it
19 collapsed.

20 So, you know, I was thinking -- I think about
21 this stuff a lot. I was thinking, how do I explain
22 this to somebody?

23 Imagine you buy a car and it has four brand new
24 tires and you only have enough money to change the
25 oil or replace the tires when they're due. And you

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decide that you're going to change the oil because

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you want to keep your engine going. Well, if you

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keep driving these tires for a long, long time at

5

some point one of them is going to blow.

6

Now, you know, you could make a decision when

7

they become bald tires, you know what, I am no

8

longer going to drive that car; I am going to shut

9

it down because I don't really know at what point

10

that tire is going to blow. And that's what we do

11

with these bridges. We monitor them on a two-year

12

cycle.

13

If you recall, I had a conversation with you

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before we closed the Higginsville bridge about

15

three, four months. I knew it was coming. I just

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couldn't tell what you date. I had my people, you

17

know, really looking at it and making sure. To the

18

point I said, "Whenever you become concerned, you

19

come tell me." They did and fortunately we had to

20

close that bridge and that creates obstruction to

21

the people who live there.

22

The number that you gave, \$300 million, that's

23

an increase. That's a local bridge program which we

24

had back in the 1990's and that really helped the

25

condition of the local bridges.

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2 The number for highway and bridge projects, and
3 I, unfortunately, don't have the split here. It's
4 about \$12 million. Out of the 26 billion,
5 12 million.

6 Normally I think -- you know, don't quote me on
7 this -- the split is probably about 40 percent
8 bridge and the rest is pavement and other things.

9 So there's a lot of money that gets invested in
10 the bridges.

11 Now, there's good news and bad news.

12 The good news is on bridge
13 rehabilitation/replacement, this is the
14 accomplishment that this plan lays out. Bridges
15 replaced, 486. Bridges rehab, 425.

16 And then there's a bunch of other numbers on
17 bridge repairs.

18 The bad-news story is over the next ten years
19 3,000 more bridges will become deficient.

20 So the other thing I want to caution, too, that
21 the number -- obviously when things go -- when the
22 condition rating goes below 5, we look at it. That
23 number is a very complicated number. It takes into
24 account many different elements of the bridge. And
25 we normally -- because it sounds bad. We take, if

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2 you have, say, ten gusset plates on a bridge, we
3 take the worse conditioned one and that's the number
4 that we use.

5 But these are bridges that we are you aware of;
6 we watch continually; and we would not -- and I
7 don't know of any professional engineer who would
8 let the bridge stand that's not safe.

9 SENATOR VALESKY: Okay. Thank you.

10 SENATOR DILAN: Thank you very much,
11 Senator Valesky.

12 You were talking about inspection of these
13 bridges just now.

14 Would your department be able to handle the
15 added frequency of the inspections of these bridges?

16 MR. CARL FORD: Mm-hmm.

17 SENATOR DILAN: Will you be able to deal with
18 that?

19 MR. CARL FORD: We have teams that we call
20 them. Each region has teams. Each team has two
21 people on it; one is a professional engineer, one is
22 assistants. We also have consultant teams.

23 For instance down in New York City, we have
24 more consultant teams than in-house teams. Upstate
25 we may have the opposite.

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2 We also have diving teams. People who go in
3 the -- Crown Point, for instance. They would go
4 under water and they would look at the stuff that's
5 under water to make sure that that is safe, as well.

6 Now, in terms of the amount of resources that
7 we have. Let's say I had a hundred people in
8 engineering and then I lose 20. You can bet that
9 I'm not going to lose anyone out of bridge
10 inspection. That is our first priority. So that
11 function is always staffed whether I have enough
12 resources to do other things or not.

13 The same thing for our consultant money. The
14 number I remember from two, three years ago -- I
15 don't know what the current number is. We used to
16 spend \$230 million in consulting contracts who do
17 bridge inspection, design and construction
18 inspection.

19 Well, as that number goes down, you know, there
20 are certain things that get squeezed out of the
21 program. Normally they're new design starts, not
22 the bridge inspection.

23 SENATOR DILAN: Okay. So I just want to move
24 on because I have several questions regarding,
25 perhaps, the environmental issues or really the

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2 impact to the economy in this region. And I know
3 we're talking about the proposed DOT Plan out of
4 \$26 billion, but I want to talk about the plan
5 that's expiring this year.

6 MR. CARL FORD: Mm-hmm.

7 SENATOR DILAN: I want to know of the projects
8 that are of the existing plan, how many were not
9 completed?

10 And why weren't they completed within the time
11 frame that we were supposed to be completed?

12 And if they were not completed, are they now
13 included in this new plan?

14 MR. MICHAEL SHAMMA: It's a difficult question,
15 Senator.

16 I think the best way I can answer that is that
17 the number of projects that we're able to do are
18 directly proportional to our allocations, which is
19 directly proportional to the cash flow in the State
20 coffers.

21 We are constantly re-prioritizing and adjusting
22 our Capital Program.

23 We sit here today to talk about our five-year
24 program, but I think we all know that what's in the
25 book is our best guess as what we could deliver and

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2 what the priorities are going forward for the next
3 five years, if we were to be funded at that level.
4 The truth of the matter is, as we've been
5 talking, infrastructure deteriorates at different
6 levels or at different rates. We've watched bridges
7 very closely and sometimes when we think of bridges
8 is it going to need to be closed in a relatively
9 short period of time --

10 SENATOR DILAN: At this point, if I can get
11 sort of the short version of the answer, more
12 direct --

13 MR. MICHAEL SHAMMA: Okay.

14 SENATOR DILAN: -- and succinct answer because
15 I really want to hear from everyone else.

16 MR. MICHAEL SHAMMA: Sure.

17 SENATOR DILAN: Obviously you're going to get
18 the most questions because your agency is
19 accountable for what happens with this plan --

20 MR. MICHAEL SHAMMA: Sure.

21 SENATOR DILAN: -- so that's why you get the
22 bulk of the questions. And there's a lot of
23 questions that I have, but it's obvious I won't be
24 able to ask them all today. We want to hear from
25 everybody and we want to try to get back on time.

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2 So if you could just mention some of
3 projects -- you don't have to mention all of them.
4 Just give me some that you feel are important and
5 are they in the plan. Just very succinct.

6 If you don't know, you can get back to me.
7 That's okay.

8 MR. CARL FORD: Senator, the projects are
9 actually listed in the book that was released and --

10 SENATOR DILAN: In the new plan?

11 MR. CARL FORD: Yeah, yeah. It says -- the
12 last appendix, Appendix D, it says 2009-2010
13 remaining projects.

14 SENATOR DILAN: Okay.

15 MR. CARL FORD: Some of them, I believe, will
16 be done before the end of the year; some of them
17 will not be done.

18 As Carl mentioned, we're constantly struggling
19 to figure out how much money we actually have. As
20 we mentioned --

21 SENATOR DILAN: No, the reason I bring up this
22 point is because there's one thing I want to
23 emphasize to the Agency, and I hope the Commissioner
24 is watching and listening today, also. Because what
25 I want in a plan is that when we put something in

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2 the plan I would like to see it accomplished within
3 the time frame --

4 MR. CARL FORD: Yeah.

5 SENATOR DILAN: -- of that funding and that's
6 something that we have to address. And I would like
7 to see these projects being done on a timely basis
8 because they're necessary and because they save
9 money when they're done on time. And it's also good
10 for the economy.

11 So let's just move on because I'll ask you
12 quick questions.

13 And you mentioned -- someone mentioned in
14 regard to widening highways within your region.

15 I was wondering why are we spending money to
16 widen roads when we, perhaps, should be investing in
17 rails to have passengers maybe use more public
18 transportation in the area, or encourage the use of
19 freight trains to carry goods instead of having
20 trucks or increasing the volume of traffic in these
21 areas? Why are we going in that direct- --

22 MR. MICHAEL SHAMMA: I believe, Senator, the
23 reference was to the Taft Road project which is a
24 county project.

25 SENATOR DILAN: Okay.

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2 MR. MICHAEL SHAMMA: It's essentially -- it's a
3 project to upgrade the facility. It's not adding
4 lanes. It's adding some turning lanes and widening
5 shoulders and that type of thing.

6 SENATOR DILAN: All right. In this particular
7 region, what is your relationship with the rail
8 industry that owns the tracks?

9 Are there any specific projects that you were
10 working with that industry in this area?

11 MR. MICHAEL SHAMMA: Well, in the Central
12 New York region, we work very closely with the local
13 rail folks; particularly in grade crossings,
14 improving the grade crossings. That tends to be a
15 safety issue and many times they are substandard.
16 And we work quite often with the rail owners and
17 there are a number of them here in Central New York.
18 That's probably our closest connection.

19 SENATOR DILAN: All right. And I'll have other
20 questions, but I'll forward those to you later.

21 I personally want to thank you for your
22 participation here today and also to your
23 commissioner. We will be having -- thank you.

24 Before I turn off the mic to turn over to
25 Senator Valesky, I would just like to recognize my

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2 staff on the Transportation Committee. We worked
3 very hard to put this hearing and the other hearings
4 together.

5 And we have Matt Trapasso, who is my
6 legislative director who is here with us today.

7 And we also have Tom Benware, who is my
8 transportation policy analyst.

9 We also have Chris Durosinni from my staff
10 here.

11 Also, I want to recognize Janet Ho, who is a
12 staff person from the Senate Finance Division and
13 who works directly with the Finance Committee in the
14 Senate.

15 So thank all of you for putting this together.

16 SENATOR VALESKY: Okay. Great. Rail is next,
17 I guess.

18 Norman Schneider, Executive Director, Railroads
19 of New York.

20 Mike Smith, President, Finger Lakes Railway.

21 Tom Myles, CFO, Wellsboro and Corning Railroad.

22 Sandi Saracen, Vice President and General
23 Manager, Ontario Midland Railroad.

24 And Jerry Vest, Executive VP, Genesee and
25 Wyoming Railroad.

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2 If you all could come forward at this time,
3 please.

4 Do each of you have a presentation?

5 MR. NORMAN SCHNEIDER: I'm going to give a
6 general one, give the others a minute or two, so it
7 doesn't take too long.

8 My name is Norman Schneider. I'm the Executive
9 Director of Railroads of New York and I want to
10 thank Senators Dilan and Valesky for allowing us to
11 participate today in today's hearing.

12 Railroads of New York is a nonprofit statewide
13 association that represents the rail freight
14 industry in New York State. And with me today,
15 we've got several of our individual railroad members
16 represented.

17 Mike Smith is the President of the Finger Lakes
18 Railway; Jerry Vest is the Executive Vice President
19 for the G & W Rail System; Sandi Saracen is Vice
20 President and General Manager for the Ontario
21 Midland Railroad; and Tom Myles wasn't able to
22 attend today, but the Senator said you may have a
23 hearing in the Southern Tier area. If you do that,
24 we'll try and get him at that one.

25 Rail freight is a very important but often

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overlooked element of the state transport system, even though we haul more than 75 million tons of freight annually in almost every county in New York State. Rail freight is the most energy efficient and environmental friendly way to move goods across the State. It helps to reduce truck-induced highway congestion and accidents, as well as the rapid deterioration of the highways, and particularly bridges as you've been talking about.

Large trucks are the primary cause of such deterioration.

Our three dozen private freight railroads earn sufficient revenues to cover their operating costs and their basic maintenance costs but do not make a sufficient return on investment to fund all of their critical capital needs.

The State's 30-plus short-line railroads -- otherwise, everything but the largest Class 1 railroads -- were created from the railroads that these larger railroads sought to abandon many years ago, and they have kept them in operation for the last four decades, despite inheriting under-invested infrastructure.

Continuing and increasing state investment in

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1

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2

transportation infrastructure is essential if the

3

New York economy is to continue to grow and our

4

residents are to prosper. Such investment must be

5

made on a broad multimodal basis as originally

6

envisioned by Chapter 7017 of the laws of 1967 which

7

created both the Department of Transportation and

8

the MTA.

9

The statewide master plan for transportation

10

also makes the case for multimodal investment very

11

effectively.

12

Recently the New York State Rail Plan in 2009,

13

Strategies For a New Age, which was released by the

14

Governor and New York State DOT in March, clearly

15

points out why state investment in rail freight is

16

critical.

17

Our future written testimony will highlight the

18

sections of the rail plan that demonstrates

19

sufficient public benefits that rail freight

20

investment provides.

21

Failure of the present plan will be one of the

22

things I would like to start with.

23

During the approval of the then \$35.9 billion

24

State transportation program in 2005, RONY agreed to

25

strongly support this effort, including the

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2 \$2.9 billion Transportation Bond Act after a
3 \$235 million Rail Imports Program was included and
4 after being assured that the rail freight grants in
5 this element would total about \$200 million.

6 This well-intended effort has not produced the
7 promised focus on the rail freight, however.

8 Here's what happened.

9 Total appropriations for rail and port capital
10 investments were actually reduced from 235 down
11 \$222.25 million, while funding to other modes
12 increased significantly by about \$2.5 billion.

13 As a result, rail freight's already small
14 share, which was about -- supposed to be about a
15 half percent of the program, has been further
16 reduced.

17 To complicate that, only \$70 million or
18 38 percent of the anticipated grants to fund rail
19 freight are presently under contract or have been
20 completed after four years into the program.

21 Many critical projects have not yet progressed
22 in construction and no rail freight grants have yet
23 to be announced for the last two years of the
24 five-year program.

25 In contrast, the estimated 89 percent ports and

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2 81 percent of passenger rail grants are already
3 under contract. And we suspect that the percentage
4 under contract of the multibillion dollar allotments
5 for both highways and transit are similarly high.

6 This lack of action is especially troubling for
7 the 19 -- say fiscal year 2008 grant since
8 applications were submitted over 13 months ago and
9 the MOU between the Governor and the Legislature
10 requires grant announcements within 90 days of the
11 application deadline. None have been made -- no
12 announcements have been made as of yet.

13 Application requests for the state fiscal year
14 2009 grants have not even been solicited by the
15 Department as yet, even though we're more than
16 halfway through the fiscal year.

17 Today we are providing the Committee with a
18 table that details the lack of the grant delivery
19 for rail freight to date, and we hope that, perhaps,
20 your committee can urge the Governor to address this
21 issue promptly.

22 We recognize that recent federal and state
23 fiscal issues are partially responsible for the
24 delay in providing some of the promised state
25 funding to rail. However, if all modes have been

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2 created -- treated similarly, we would be much more
3 understanding, but that isn't the case.

4 The failure to deliver promised funds in a
5 reasonable time frame has caused these private
6 companies serious problems since they must often
7 arrange for private financing up front at grant
8 amounts. Future programs should be developed in a
9 manner that provides reasonable assurances that the
10 amount of promised funds and of announced grants is
11 provided in a reasonable time frame.

12 And we hope that your committee, as you explore
13 options in this area, would look at a mechanism to
14 provide permanent and predictable funding to the
15 rail freight systems like other modes have been
16 provided; highway area or the public transit area.

17 At future hearings, RONY will provide
18 additional testimony on what should be included in
19 the next transportation program, including our
20 funding priorities and how to improve the
21 transportation system through investments and rail
22 freight and the benefits that they would provide.

23 For today, however, we are submitting a table
24 that summarizes the five- and twenty-year capital
25 needs identified in the new state rail plan

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2 developed by New York State DOT.

3 And in that plan, for the next five-year period
4 alone, the estimated capital needs total about
5 \$1.86 billion for rail freight alone.

6 And there are projects that are specifically
7 identified. The Department worked with the
8 individual railroads to identify those kinds of
9 needs.

10 Addressing these needs are critical to achieve
11 the following objectives:

12 One, bring the rail freight system into a state
13 of good repair, which you talked about earlier;

14 Two, upgrade deficient rail tracks to carry the
15 current national industrywide weight standard of
16 286,000-pound railcars. And many lines in New York
17 State don't meet that standard now, both Upstate and
18 down;

19 Update deficient freight tracks to meet the
20 national industrywide arena standards for vertical
21 and horizontal clearance, and that's ditto;

22 Address capacity and delay in bottle necks that
23 prevent rail freight usage from growing in the
24 State;

25 And finally, invest in critical facilities and

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2 equipments that will help to achieve the 25 percent
3 increase in market share that the new state rail
4 plan envisions, as well as to enhance public safety
5 and stimulate economic growth, including providing
6 for the last mile connections to new rail freight
7 users.

8 RONY supports these objectives and agrees with
9 the capital needs estimates for rail freight
10 contained in the new state rail plan.

11 We urge the Senate Transportation Committee to
12 develop a program that will address these essential
13 investments that the rail freight industry is unable
14 to finance.

15 Now, I would like to let each of our other
16 representatives take a minute or two just to
17 supplement my remarks by giving you some specific
18 examples for their individual railroad systems. So
19 thank you.

20 MR. MICHAEL SMITH: I guess I am going to start
21 off. My name is Mike Smith. I'm with the Finger
22 Lakes Railway headquartered in Geneva, New York.
23 And to echo a little bit of what Norm has mentioned.
24 Money for transport is essential. And I think we in
25 the state have much to gain by working together to

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2 improve the rail infrastructure in this state.

3 I think the key point is that we are after all
4 tied together. Railroads just can't pick up and
5 move away to a better economic climate. So we have
6 to work with our local communities; we have to work
7 with the State in order to succeed. And it's a nice
8 balance. If the State succeeds, we succeed. But
9 vice verse is also an issue. If the State fails, we
10 fail. If we fail, the State fails, as well.

11 Let me give you some Finger Lakes examples in
12 terms of what we've done. And I would add that this
13 is pretty much typical for most of the railroads in
14 the State.

15 We've seen growth in recent years and this
16 growth is basically, I think, adding greatly to the
17 economy of New York State. And that goes in spite
18 of the fact that the economy here has generally been
19 in decline for the last -- well, I was born in
20 New York State, grew up here, it was the last 50
21 years probably, and I'm older than that.

22 In 1995 when Finger Lakes started up, we had
23 six employees, three locomotives, and 21 customers
24 and a track structure that was right sized and
25 maintained for that volume of business. It was also

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2 going out of business.

3 It was a property that had seen its business
4 drop from, believe it or not, 40,000 cars in the
5 mid-1950's to under 5,600 by 1995.

6 Most of the track was Class 1, or accepted
7 track, which means it wasn't good for anything more
8 than 10 miles per hour. And we struggled to keep
9 even 263,000-pound cars, which are kind of on the
10 light side today, on those tracks.

11 By 2008 we've grown to 48 employees. We have
12 locomotives; we have 60 customers; and a track
13 structure that's struggling to handle 18,000-plus
14 carloads per year.

15 We've gotten ourselves up to 273,000 pounds
16 over most of our railroad and most of our railroad
17 is now up to FRA Class 2.

18 We're catching up, but we haven't caught up and
19 more money is essential.

20 I might add, by the way, that railroads pay for
21 a lot of their own maintenance. And Finger Lakes
22 this year will spend over \$900,000 just on track
23 maintenance.

24 Now, what does this 18,000 carloads mean?

25 Well, first of all, it's 72,000 truckloads.

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2 You might think that's pretty important when we are
3 discussing the fact that the highway structure is
4 deteriorating and people are wondering how we're
5 going to catch up with it.

6 I think the key thing though is the
7 representative economic decision that our customers
8 have made to save their business and grow their
9 business and to protect -- and I think is really
10 critical -- over 3,000 jobs that are associated with
11 those 60 customers that Finger Lakes services.

12 One of the key things is that the world is
13 getting more competitive. Our customers feel it; we
14 feel it. And the rail industry in this state -- in
15 fact, across the nation -- is going to require
16 increasing amounts of investment to help keep our
17 customers safe in their local environment here and
18 growing in New York State and improve both our
19 railroads and our State's ability to compete for new
20 jobs, job-producing industries and tax-generating
21 industry.

22 Thank you very much.

23 SENATOR VALESKY: Thank you.

24 MR. JERRY VEST: Thank you, Tom.

25 May name is Jerry Vest. I'm with Genesee &

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2 Wyoming.

3 It's impossible to think about our company
4 without associating it with New York State and what
5 has happened in the State.

6 We started in 1899. We're over a hundred years
7 old. It was a 14-mile railroad in Upstate serving
8 one customer, a salt mine. Today we have 63 small
9 or freight railroads across the entire world; 57 of
10 them in the United States. New York, however, is
11 still the hub of our company. Our
12 New York/Pennsylvania region is headquartered in
13 Rochester. We have, approximately, 100 operating
14 employees on that region and 250-plus miles of
15 track. Our railroad now serves Rochester and
16 Buffalo and goes down to Pittsburgh, Pennsylvania.

17 We support over 60 industrial customers. And
18 if you aggregate all the employees at those customer
19 locations, it's well over 6,000, even in this
20 recessionary time.

21 The freight rail industry, as mentioned by Mike
22 and Norm, is extraordinarily capital intensive.

23 The Association of American Railroads did a
24 survey over two and a half years ago looking at how
25 much of gross revenues the companies will reinvest

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back in their physical plant. And they looked at numerous industries across what you would think would be normally heavily investing companies or sectors; tentacles, automotive, steel. They range from the ballpark of 5 to 10 percent reinvestment back into the physical plant.

The largest freight railroads that were included in the survey were averaging almost 18 percent. And it's a phenomenal number when you think that that's the top line revenues where the investments are funded out of the bottom line cash that the company generates.

On Buffalo and Pittsburgh, after seeing that statistic, I was curious what we were investing there. And we grossly exceeded 18 percent reinvestment of gross revenues back into our property.

The two regional directors that spoke from New York State DOT talked about good maintenance and catching up. And I completely empathize with their feelings about that as it relates to our industry.

Our railroads are by and large a collection of castoffs from the largest railroads. And in many cases, they've suffered from a period of inaction

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2 and decision making that weren't invested and they
3 weren't brought up to modern standards.

4 So we have very aggressively worked to bring
5 our lines and the communities and customers we serve
6 at those lines up to a modern standard for the rail
7 industry. And this is the -- why public/private
8 partnerships in the programs that New York State
9 provide to work with project freight railroads are
10 so critical.

11 We are environmentally sensitive. As a surface
12 transportation mode, we are probably the least
13 polluting, other than the barge going down the
14 river, but we're extremely kind to the environment.
15 We are extraordinarily fuel efficient. We can move
16 1 ton of freight with 1 gallon of fuel 436 miles on
17 average.

18 And we also have a phenomenal support of
19 industrial sector jobs in the State that rely on our
20 services, especially for the smaller freight
21 railroads. Many of them serve areas that would not
22 have rail service if they did not exist.

23 There's one example. Norm suggested we bring
24 an example and we have one at Genesee & Wyoming.

25 In 2001 we acquired the South Buffalo Railroad

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2 which operates in Lackawanna, New York; the shell of
3 Bethlehem Steel. And it was the epitome of deferred
4 maintenance. The track was in horrific condition.

5 As you probably well know, Bethlehem Steel was
6 in a long, long period of decline from its peak in
7 the '70s. They were slowly shutting their
8 operations down. And they reached the point where
9 they said, "We no longer want to own a common area
10 railroad."

11 Genesee & Wyoming bought it. We immediately
12 started to reinvest in the railroad and bring it up
13 to speed. We could not have done that without the
14 help of New York State. The revenues on that
15 property just could not justify it. What does that
16 mean?

17 The largest customer we have today on the South
18 Buffalo Railroad is Ford-Buffalo Stamping. They
19 employ almost 850 jobs currently; a major industrial
20 sector employer. The facility itself received
21 economic development grant funds from the State of
22 New York to retool, to basically keep it competitive
23 in its industry.

24 Their body part stampings typically go out by
25 rail. And we are at South Buffalo serving the rail

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2 carrier. The box cars that handle these stampings
3 are over 80-feet long; they're high-dimension cars
4 and they're hard to handle. Without rebuilding the
5 South Buffalo, we were subjecting the shipments to
6 damage and delay in derailments.

7 I'm happy to say, though, through a series of
8 projects with New York State, our serving order and
9 our line serving the Buffalo Stamping plant has been
10 rebuilt and we think we're a critical element in
11 keeping that facility competitive and in place.
12 That was the example. And thank you very much for
13 your time.

14 SENATOR VALESKY: Thank you.

15 MS. SANDI SARACEN: Good afternoon. I'm
16 Sandi Saracen. I'm from the Ontario Midland
17 Railroad. We are a 47 mile line shortline and we're
18 located in Wayne and Monroe County. We have -- we
19 are now celebrating our 30th anniversary this month.

20 We receive bond act monies to improve our track
21 structures to carry 286-ton cars to a chemical plant
22 in Wilmington safely.

23 After completing the first bond act from the
24 2005 funds, we also had two new customers take rail
25 service into their communities which increased the

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2 Ontario Midland annual carload count by 38 percent
3 within the first following year. This includes
4 ethanol and fertilizer for our local companies who
5 are not located near rail service.

6 But we have used our current sites to expand
7 their needs for rail service and to save them money
8 in this down-falling economy.

9 With these improvements to our track, we have
10 also attracted a biodiesel plant who opened a
11 manufacturing and producing facility in Ontario,
12 New York next to our rail line.

13 This business is the only certified producing
14 biodiesel plant located now in New York State. They
15 have been signing contracts and are requesting us to
16 move upward of 60 cars per month for their plant
17 starting in less than 120 days.

18 Yesterday they held a meeting to expand their
19 storage facilities to a nearby rail yard located at
20 another customer site, not less than a half mile
21 from their facility.

22 The town of -- town and village of Webster are
23 both very interested in this expansion into their
24 town and would love to see the rail used in their
25 area to move more often. They have offered to even

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2 help with Pilot placement on the customer side to
3 bring this new rail business to the area.

4 To serve this location and increase our
5 carloads by over 200 percent annually, we are in
6 extreme need of upgrading our front track to Class 2
7 standards. You can see from the pictures.

8 SENATOR VALESKY: We did.

9 MS. SANDI SARACEN: The current conditions need
10 new ties, ballast and alignment to hold the tracks
11 structured for this traffic and economic growth.
12 The biggest thing I can stress at this time is
13 safety.

14 We have been waiting for over a year for the
15 2008 fundings to be announced and we are hoping to
16 receive the monies very soon so the improvements can
17 be started in late March when the snow is gone
18 because the plant will be running and expanding to
19 almost full capacity to what the predictions are in
20 May and April of 2010.

21 The pros of this 10-mile track expansion, I
22 would be saving 2,500 to 3,000 trucks off our rural
23 roads monthly; the biodiesel plant will hire 15 to
24 20 or more new employees because of the savings of
25 the rail cost versus the trucking cost; the

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2 emissions will be cut down by using one or two
3 trains weekly to move all their cars rather than the
4 3,000 trailer truck emissions monthly.

5 Promoting green in our area and throughout the
6 entire state is another big issue.

7 We will be -- we, the Ontario Midland Railroad,
8 will also be hiring additional crew to service the
9 west end of our line. We are also located within
10 2 miles of Lake Ontario and we receive lake effect
11 snow in feet rather than inches. And that's another
12 great burden.

13 Pushing this amount of snow requires good track
14 structure. I can't stress enough the importance for
15 this 10 miles of track to the biodiesel plant needs
16 help.

17 We are a true believer in if you will build it,
18 they will come. Since our track improvements over
19 the last years with, the economy falling so fast,
20 the businesses in our area are looking to save money
21 in any way they can.

22 Heluva Good Cheese has stated they save \$5,000
23 every time a super-refer car is received at the new
24 climate-controlled warehouse over their prior
25 trucking costs from California.

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2 We have at least two other customers currently
3 upgrading tracks on our property to start taking
4 railcars, also. We are basically in an agricultural
5 area, but our biggest asset right now is that we can
6 supply freezer, climate-controlled and dry
7 warehousing at any various storages located on our
8 railroad.

9 I'm probably the only woman you'll see
10 testifying on behalf of the Railroads of New York.
11 Yes, I wear high heels in the morning and do the
12 customer contacting and administration duties, then
13 I wear the steel toes in the afternoon and work the
14 track, work improvements to serve our customers. We
15 are only five people on my railroad.

16 Many of our DOT regional contacts often say
17 that I get the biggest bang for every buck and I can
18 make a dime get a dollar's worth of value.

19 Thanks for listening and your chance to enhance
20 the Railroads of New York.

21 SENATOR VALESKY: Thank you. I'm wondering if
22 this assignment is a high heel or steel toe.

23 MS. SANDI SARACEN: Mid-heel.

24 SENATOR VALESKY: Got it. Got it. Thank you.

25 SENATOR DILAN: I just want to express the very

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2 quick question because I think that you were very
3 specific. And I think you articulated your needs
4 and we understand your situation.

5 Just very quickly. Can you give us a quick
6 description of your customer base? And how are you
7 picking up new customers?

8 Are you looking to pick up new customers in
9 terms of moving the economy?

10 Very quickly because I really want to get back
11 on the schedule here.

12 MR. NORMAN SCHNEIDER: I can't give you all the
13 details today, but we are in the process -- we've
14 surveyed each of our railroads for their current
15 customers and a list and -- and the project number
16 of employees associated with those now. And we are
17 in the process of compiling that. So I will get
18 that to you before the end of your hearings, if
19 that --

20 SENATOR DILAN: That's great.

21 MR. NORMAN SCHNEIDER: -- meets your needs.

22 SENATOR DILAN: I appreciate that. Thank you.

23 SENATOR VALESKY: Thank you very much. Thank
24 you all very much for your testimony. We appreciate
25 that.

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2 Orrin MacMurray, Chairman of C&S Companies is
3 next.

4 I also want to thank Mr. Bill
5 Mahonic [phonetic] from senate staff for his efforts
6 in arranging for today's hearing.

7 MR. ORRIN MacMURRAY: Well, good afternoon.

8 SENATOR VALESKY: Good afternoon.

9 MR. ORRIN MacMURRAY: Mr. Chairman,
10 Senator Valesky, ladies and gentlemen, I appreciate
11 this opportunity to make some remarks today.

12 I'm Orrin MacMurray. I'm the Chairman of The
13 C&S Companies, a licensed professional engineer in
14 about 30 states around the country. And I'm
15 testifying on behalf of the over 500 employees of
16 the C&S Companies headquartered here in Syracuse,
17 providing professional engineering, construction
18 management, construction services to the
19 transportation industry of New York and really
20 throughout the United States.

21 C&S has been in the business since 1968 and we
22 provide planning, consulting engineering,
23 construction management to the New York State
24 Department of Transportation, the New York State
25 Thruway Authority and many local government

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2 transportation agencies primarily in the areas of
3 highway and bridges, airports, railroads and
4 waterways.

5 We also speak as an active member firm in the
6 American Counsel of Engineering Companies, an
7 organization here in New York State which represents
8 almost 300 design professional firms throughout the
9 State, from the Metropolitan area, Downstate
10 throughout Upstate with thousands of engineers
11 employed throughout the State.

12 First of all, I'd like to indicate that we
13 applaud the efforts of New York State DOT and the
14 development of the Five-Year Capital Program for
15 transportation for fiscal years 9-10 to 13-14.

16 This \$25.7-billion program provides for badly
17 needed maintenance and rehabilitation of our state's
18 highways, bridges and public transportation systems,
19 rail, airports and port facilities.

20 This plan is a good start, but, Senators, I
21 must tell you that it's not enough.

22 My remarks today will address four general
23 issues:

24 First, recognition that we have transportation
25 infrastructure problems here in the state and that

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2 they need to be addressed;

3 Secondly, it's not only highways, bridges and
4 transit which require attention, but it's aviation,
5 waterways and rail.

6 Our economy, our safety and our security are at
7 steak going forward if we don't address these
8 issues.

9 And, fourth, transportation must become a
10 higher priority in my opinion for funding here in
11 New York State, as well as at the national level, if
12 we are truly to address the needs that we face.

13 Well, first, we have problems today with our
14 State transportation infrastructure and they need to
15 be addressed.

16 Use of our transportation system is increasing;
17 congestion is on the rise; our highways and in the
18 air above us is contributing to increased costs to
19 do business resulting in negative impacts on the
20 State economy and on the environment that we all
21 live in.

22 The need for transportation infrastructure
23 improvement are well-documented. And I'm not going
24 to take time today to reiterate what has been said
25 by the Department of Transportation numerous times

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2 over the last decade.

3 There are literally thousands of miles of
4 highways, thousands of bridges, numerous transit,
5 rail, aviation and port facilities in serious need
6 of repair and, in some cases, in need of expansion.

7 The American Society of Civil Engineers in its
8 2009 report card for America's infrastructure rated
9 roads in the United States a D minus, bridges a C,
10 transit a D, aviation a D, waterways a D minus.

11 It's sad to say that New York State's
12 transportation infrastructure in many respects is in
13 the worse condition than the nation as a whole
14 because of where we live.

15 Highways and bridges conditions are visible to
16 the public and directly impact people every time
17 they drive their motor vehicles.

18 I think transit has a very large and vocal
19 metropolitan constituency and a constituency
20 throughout the State, which reminds us of the
21 importance of this transportation mode.

22 However, aviation rail and our State's
23 waterways, they're important, too, and may not get
24 the credit that they deserve.

25 Airports and aviation are significant economic

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2 engines that drive New York State. Moreover,
3 aviation is to the world economy what service
4 transportation corridors are to our State's economy.

5 Critical to our long-term success, aviation
6 must be an important part of our future plans even
7 to a greater extent than that which is included in
8 the current Five-Year Capital Program proposed.

9 Waterways are another key asset. From the days
10 when the Erie Canal was the primary economic
11 catalyst for long-distance commerce in New York
12 State, much is changed.

13 Today our waterways are essential elements in
14 providing the outstanding quality of life that will
15 take to attract and retain the creative class of
16 American professionals and workers that is essential
17 to building the Empire State.

18 Our waterway must receive attention and funding
19 or they will fall into such disrepair that they
20 cannot be cost effectively retrieved.

21 Rail, and specifically high-speed rail, is
22 another area requiring emphasis.

23 The New York State Department of Transportation
24 is to be complimented on its recent application to
25 high-speed rail funds from the federal government.

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2 This five-year program must emphasize rail
3 development beyond the New York metropolitan area
4 and clearly make the Empire Corridor from Albany to
5 Niagara Falls a focus for the future.

6 New York State's economy and our citizen's
7 safety are at stake going forward if we do not
8 address transportation issues appropriately.

9 How many Minnesota and Thruway bridge collapses
10 must happen?

11 We've had yet another sobering reminder in the
12 last two weeks with the closure of the Champlain
13 Bridge due to structural concerns, as you both
14 mentioned earlier.

15 How many times are we going to read in the
16 newspaper, quote from the New York citizens saying
17 something like this -- this is a quote: "We have to
18 quit our jobs. We can't afford \$100 a week for a
19 ferry"? How many times are we going to hear that
20 before we're going to get the point?

21 New York's infrastructure is critical and we
22 cannot have a vibrant economy and a secure living
23 environment without well-maintained state-of-the-art
24 transportation facilities.

25 Increased spending demand at \$25.7 billion a

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2 year -- over five years, rather, is a start, but
3 it's nowhere near to enough to the address the true
4 need.

5 In spite of Governor Patterson's legitimate
6 concerns based on the current State's revenues and
7 the almost \$3-billion deficit facing New York State
8 this year, we cannot take no for an answer.

9 An investment in transportation is just that,
10 an investment, which brings a return on jobs in
11 economic growth and in the creation of wealth in
12 New York.

13 A \$5-billion investment will create over
14 150,000 jobs and will generate income through income
15 taxes, as well as save money by reducing
16 unemployment and stimulating billions more in local
17 economic activity.

18 Well, where will the money come from?

19 How can we fund programs that truly meet the
20 need well beyond this proposed five-year program?

21 First, we believe that taxes that are already
22 collected from the citizens of our state that were
23 put in place to support transportation should, in
24 fact, be dedicated to transportation.

25 It is my opinion that if our citizens clearly

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2 understood that all of the gas tax they currently
3 pay went towards transportation infrastructure and
4 any addition would as well, they would support an
5 increase in the gas tax.

6 That said, gasoline tax in the long term on our
7 own is not a viable solution because we want our
8 citizens who drive to consume less gasoline.

9 Ultimately the current funding structure we
10 have is not sustainable. Other types of user-paid
11 funding strategies are needed.

12 The state of Oregon has successfully
13 demonstrated on a pilot-program basis that a vehicle
14 mile travel tax can be effective and that concerns,
15 such as privacy, can be addressed successfully
16 allowing for the equitable collection of revenues
17 from the users of our systems.

18 Tolling is yet another mechanism and we need to
19 consider its use more broadly. With the advent of
20 electronic toll collection systems, it is now
21 practical for users to pay, where in the past it was
22 not practical.

23 We need to consider other techniques, such as
24 congestion pricing. Efforts have been under way in
25 New York State, especially in New York City, in this

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2 regard over the last several years. It's time to
3 put in place revenue-generating congestion pricing,
4 not only to increase revenues but at the same time
5 to encourage a decrease in use and thereby reduce
6 congestion and its negative environmental impacts.

7 Other techniques must be considered for revenue
8 generation, including freight fees and a ticket tax
9 for rail and bus travel, similar to that which we
10 already pay for aviation tickets.

11 The current national aviation ticket tax raises
12 billion of dollars annually which is funneled back
13 to airports throughout the state and our nation
14 through the Airport Improvement Program. And I
15 think this should be an example for us to look at
16 the State level in the future.

17 The private sector can be a technical, as well
18 as a financial partner in rebuilding our
19 infrastructure.

20 Privatization of certain facilities through the
21 development of public/private partnerships is an
22 idea whose time has come.

23 As study after study has indicated, this is a
24 viable option for certain projects that is used all
25 over the world.

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2 I believe it is ironic that the financial
3 institutions, design professional companies and
4 construction businesses headquartered in New York
5 State participate in these ventures elsewhere
6 throughout the country and around the globe and yet
7 we cannot do so here in New York State.

8 Increasing the number of dollars available can
9 also be achieved by improved efficiency. The
10 private sector can help here, as well. We must
11 become more results oriented, more flexible with the
12 means and methods and the delivery systems we use to
13 develop and improve our transportation
14 infrastructure.

15 Outsourcing of engineering services, as well as
16 the contracting out of construction will help
17 deliver transportation infrastructure in a timely
18 and cost-effective way.

19 Outsourcing engineering to professional design
20 firms within New York State should be a priority.
21 I'm not talking here about off-shoring or sending
22 work outside the country. Rather I'm talking about
23 utilizing our statewide design professional
24 resources to partner with and assist the State of
25 New York in implementing the proposed five-year

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2 program.

3 A recent study completed by the Department of
4 Civil Engineering at the Polytechnic Institute of
5 NYU -- a copy of which I've included with my
6 testimony -- showed that the cost to the state
7 taxpayers of a design engineer in New York State DOT
8 exceeds the cost of a private design engineer by
9 approximately 14 percent.

10 Should New York State DOT contract all its work
11 out? Absolutely not.

12 DOT needs a competent professional engineering
13 staff in the future, as we have had in the past, in
14 order to see that it can oversee the five-year
15 program properly.

16 That said, there is a place for the private
17 sector to help save the State money and extend those
18 saved dollars to address more of the needs that we
19 as a state face in transportation.

20 The unfortunate truth is that transportation
21 decision does not have a high-enough priority in
22 New York State government today to meet the funding
23 needs for the future.

24 Funding from state sources on an
25 inflation-adjusted basis by many accounts is less

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2 today than it was a decade ago. At the same time,
3 the cost of steel, concrete and other raw materials,
4 not to mention the cost of labor, has risen steadily
5 even with improvements in productivity.

6 Yes, as was mentioned earlier, right now
7 because of the poor economy, we have some price
8 relief, but this will not last forever.

9 We cannot overcome and neutralize the inherent
10 cost increases in our system with improved
11 efficiency alone. We need more state funding to
12 augment the significant federal dollars that we also
13 need.

14 It is true that we must be aggressive in
15 supporting the reauthorization of the Federal
16 Transportation Funding Bill which is pending. But
17 we need meaningful, reliable financial support from
18 the State, as well. It is not enough to simply
19 trade federal dollars for state dollars and keep the
20 status quo.

21 Adequate funding for transportation
22 infrastructure by the State of New York is essential
23 if we're going to demonstrate to the federal
24 government that we deserve its financial support.

25 Further, this funding is critical if we're

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2 going to demonstrate to the world at large that
3 New York State is the place to come to develop
4 business and create jobs.

5 We must make transportation a priority and
6 provide the resources needed at the state level to
7 address the needs that we all know are there. All
8 modes of transportation require support; to ignore
9 one would be analogous to building a chair and
10 leaving off one leg.

11 Our transportation network is in intermodal and
12 we must plan accordingly for the future.

13 In closing, let me thank you for allowing me to
14 testify.

15 I again commend the New York State DOT for the
16 Five-Year Capital Program you have before you.

17 This plan presents a wide mix of maintenance
18 and capital construction on a multimodal basis. It
19 addresses safety/environmental issues and it
20 encourages reduced energy use and, if implemented,
21 it will improve the quality of life for all
22 New Yorkers.

23 However, without adequate funding -- in fact,
24 without funding in excess of that which is included
25 in this plan, our goals will not be achieved. It is

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2 time for bold action and for creative funding
3 solutions beyond the status quo.

4 We have a multimodal system which goes well
5 beyond highways and bridges that we all depend on
6 every day.

7 We in the private sector can be of help, but we
8 must all work together.

9 In the end, our economy, our security and, yes,
10 in my opinion, the future of our children and
11 grandchildren depend on our making the right
12 decisions today regarding the transportation
13 infrastructure for our state tomorrow.

14 Thank you very much.

15 SENATOR VALESKY: Thank you very much for the
16 testimony and also for -- I know you provided us
17 with your recent study regarding design cost so we
18 appreciate that.

19 SENATOR DILAN: Thank you.

20 SENATOR VALESKY: Thank you.

21 SENATOR DILAN: Thank you very much.

22 SENATOR VALESKY: Okay. Frank Kobliski,
23 Executive Director of Centro.

24 SENATOR DILAN: As he's coming up, I just want
25 to thank both directors of Region 2 and 3. I see

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2 that you're still here listening to the testimony
3 and we really appreciate that you're listening.
4 Thank you.

5 SENATOR VALESKY: Hello, Frank. Go ahead.

6 MR. FRANK KOBLISKI: As Senator Valesky
7 indicated, I am Frank Kobliski, the Executive
8 Director of the Central New York Regional
9 Transportation Authority where I've worked for the
10 past 33 years in various operational and executive
11 positions.

12 I would like to thank you, Senator Dilan, for
13 convening this and other hearings statewide so that
14 the Senate Transportation Committee could weigh the
15 elements of the NYSDOT 2010-2015 Capital Program
16 proposal in the context of the needs of
17 transportation systems throughout the state.

18 Also, I would like to thank Senator Valesky for
19 being here today and for your continued attention to
20 transit issues.

21 The CNY RTA provides public transit services in
22 four Central New York counties; serving Syracuse,
23 Utica and four smaller cities and their surrounding
24 environments.

25 Services range from high-volume urban carriage

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2 to specialized transportation for elderly, disabled
3 and rural residents.

4 In addition, the CNY RTA owns and operates a
5 regional intermodal transportation facility which
6 links the national passenger rail and bus systems
7 with the local and regional public transit network.

8 This facility located in Syracuse on the Amtrak
9 Empire Corridor well-positions our region for true
10 intermodal connectivity with the high-speed rail
11 service envisioned for Upstate New York.

12 We concur with Senator Dilan's remarks that the
13 NYSDOT Five-Year Capital Plan represents, quote, "A
14 significant essential first step."

15 Indeed we applaud you, Senator, for the
16 position that the State cannot immediately dismiss
17 this plan because of its price tag.

18 The chief capital need among Upstate transit
19 operators and authority is the replacement of buses.

20 In the case of the CNY RTA, in two years we are
21 faced with the replacement of about 100 heavy-duty
22 transit buses in Syracuse and in Utica.

23 Because of the CNY RTA's long-time commitment
24 to clean natural gas propulsion, the unit cost of
25 these replacement vehicles will exceed \$420,000

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2 apiece. That is at least a \$42-million financial
3 hurdle looming on the horizon.

4 Further, the CNY RTA, when asked to, absorbed
5 the troubled operation of the former Utica Transit
6 Authority a few years ago took on the Verizon Office
7 Complex, which was itself dilapidated and is in dire
8 need of replacement.

9 Typically we have been able to rely
10 significantly upon a combination of federal formula
11 and discretionary earmark funds to support much of
12 the CNY RTA bus-replacement program. The future of
13 this critical source of capital funding is not at
14 all clear.

15 While there seems to be a heightened awareness
16 in Washington of transit's critical contribution to
17 communities' economic and social well-being, it is
18 unlikely that an extension of the recently expired
19 surface transportation legislation will occur before
20 2011.

21 More critically, early iterations of successor
22 legislation point to limited growth in funding for
23 buses and bus-related facilities through either the
24 traditional Formula Capital Grant Program or through
25 discretionary transit funding sources.

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2 In the case of the CNY RTA, along with other
3 Upstate operators, the demand for transit services
4 in the past year was the highest since our creation.
5 Indeed, we are capping a six-year steady growth
6 trend throughout the four-county area.

7 At this most critical juncture, how ironic that
8 the Authority's very ability to meet this growing
9 demand is severely challenged in terms of support
10 for both capital and operating needs.

11 We understand that there are no easy solutions.
12 For its part, as a responsible steward of public
13 resources, the CNY RTA continues to manage the
14 limited resources with strict control.

15 Our performance metrics speak for themselves
16 both in terms of service efficiency and cost
17 effectiveness. Oversight agencies regularly commend
18 the CNY RTA for its physical management, strong
19 ethics practices and oversight.

20 All of that being said, there comes a time when
21 the sole remaining option to cut costs is to reduce
22 or eliminate services whose costs can no longer be
23 borne.

24 As pointed out in the NYSDOT plan, there really
25 cannot be a separation of operating costs from

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2 capital needs. In simplified form, the bus and the
3 bus operator are one product.

4 In that context, we encourage both NYSDOT and
5 our elected officials to consider various measures
6 which will provide the Authority and other transit
7 providers in New York State with desperately needed
8 support.

9 Among the specifics, we would urge that
10 consideration be given to one statewide funding plan
11 for transit. While the MTA has multiple funding
12 sources, Upstate and suburban Downstate operators
13 rely heavily on the State's general fund, our sole
14 dedicated source of funding being a portion of the
15 petroleum business tax which has not lived up to
16 expectations. Further funding diversity is, in
17 fact, needed.

18 As with the 2009 measures initiated to address
19 the critical needs of the MTA, we ask that
20 consideration also be given to the use of similar
21 mechanisms for Upstate systems.

22 Lastly, in the case of Upstate transit
23 authorities, when they were created by the
24 Legislature in the late 1960's and early 1970's, a
25 key source of locally dedicated revenue was

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2 additional mortgage recording tax on real estate
3 transactions. We are the only state in the United
4 States to in fact do so.

5 Over the course of almost 40 years, that source
6 has been watered down and diminished through
7 exemptions granted by localities to developers, as
8 well as the vagaries and unpredictability of
9 mortgage interest rates and the real estate market
10 in general.

11 We respectfully submit that an adjustment of an
12 additional of one quarter of 1 percent to this levy
13 would be a huge step in addressing our internal
14 financial situation.

15 On behalf of Central New York transit users, I
16 appreciate the opportunity to provide this input and
17 commentary on transit funding in Central New York.

18 Thank you both very much.

19 SENATOR DILAN: Thank you.

20 SENATOR VALESKY: Thank you. Just one quick
21 question.

22 MR. FRANK KOBLISKI: Yes, sir.

23 SENATOR VALESKY: I know Centro has been -- has
24 had an aggressive program over the years to replace
25 aging -- the aging fleet with clean fuel vehicles.

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2 MR. FRANK KOBLISKI: Yes.

3 SENATOR VALESKY: Are you satisfied with the
4 DOT's Proposed Capital Plan in terms of state
5 support for alternative fuel vehicles?

6 MR. FRANK KOBLISKI: It's clearly a good first
7 step, as Senator Dilan had pointed out, in a couple
8 of ways.

9 Currently we are the beneficiaries of funds
10 from the Bond Act to pay for the differential or the
11 Delta between buying a diesel bus and a clean
12 propulsion CMG or hydrodiesel electric bus.

13 The DOT plan speaks to having that funding
14 become part of the Capital Plan so that we continue
15 to provide clean, fuel-efficient, environmentally
16 friendly buses within our communities.

17 It also speaks to -- and I think the non-MTA
18 portion is about 340 million that's proposed. That
19 will lower the average age of transit buses to about
20 seven years on their typical 12-year lifespan.

21 We as an industry plan to advocate for even
22 more to try to get it down to the middle of that age
23 span to six years. So it's a step in the right
24 direction. It continues to support clean fueled
25 vehicles. But I think, quite candidly, more is

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2 needed in that regard.

3 SENATOR VALESKY: Okay. Thank you.

4 SENATOR DILAN: I have a Senate Bill,
5 Number 5817, that I introduced with respect to
6 diesel emission reduction technology and
7 retrofitting of old buses that are already --
8 vehicles that are ready for retirement. And my
9 bill, I believe, will exempt vehicles that were
10 within three years of retirement.

11 Would you have any estimates of how much money
12 this legislation might save you?

13 MR. FRANK KOBLISKI: We -- off the cuff,
14 Senator -- and we certainly appreciate that
15 legislative initiative -- that will save us at least
16 a couple hundred thousand dollars here locally.
17 Because we have a fleet that is -- a large group of
18 buses that are becoming of age and it makes no sense
19 whatsoever to do the retrofit and then a year later
20 it's in the scrap yard.

21 So I would say at least a couple hundred
22 thousand dollars saved if not more. And once again,
23 we do appreciate your wisdom in initiating that
24 legislation.

25 SENATOR DILAN: Thank you.

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2 SENATOR VALESKY: Thank you, Frank.

3 MR. FRANK KOBLISKI: Thank you.

4 SENATOR VALESKY: Next is Deborah Warner, Vice
5 President for Public Policy and Governor Relations
6 for the Greater Syracuse Chamber; also she is with
7 high-speed rail Coalition.

8 MS. DEBORAH WARNER: Good afternoon, Senators.

9 SENATOR VALESKY: Hello.

10 MS. DEBORAH WARNER: Thank you for having this
11 event in Syracuse.

12 As mentioned, I'm with the Greater Syracuse
13 Chamber. We have 2,100 member businesses here in
14 Central New York who employ about 150,000 people in
15 Central New York. Most of our members are small
16 businesses. And I'm sure that you well-understand
17 that transportation in all of its forms is very
18 important to them. The condition of our roads
19 bridges, airports, access to on-time, efficient and
20 affordable movement of employees, goods and services
21 is the very backbone of most of their businesses.

22 Obviously, you' are currently facing a huge
23 challenge, increasing demand and with declining
24 resources to maintain, much less improve our
25 transportation infrastructure.

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2 Some general comments on transportation.

3 We must preserve the dedicated transportation
4 fund. Despite increasing demands, we cannot divert
5 these resources away from transportation.

6 Our members would suggest that now is the
7 perfect time to think out of the box, to find new
8 ways to approach funding transportation. From our
9 perspective, the current state and budgets crisis
10 dictates that we cannot increase fees, taxes or
11 assessments, but that we still need to improve
12 overall efficiency of State operations through every
13 possible method. The traditional sources of revenue
14 are not sufficient to fund this multi-year plan.

15 New York State must have a dedicated funding
16 agenda going forward for transportation and
17 infrastructure, but we can no longer live beyond our
18 financial means. Any plan must be contingent upon
19 revenue sources that come from a growing economy,
20 not from extracting more lifeblood from the private
21 sector and the taxpayers.

22 There are some opportunities that New York
23 State could probably take advantage of, benchmarking
24 us against other states and shamelessly copying
25 their good ideas. This might be some new technology

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2 that increase transportation efficiency, decrease
3 wear and tear on our roads. And there must be
4 public/private partnerships.

5 And hopefully you can look to the New York
6 State Commission on State Asset Maximization to be
7 of some assistance or to come up with some
8 recommendations that would apply to transportation.

9 But our members are very concerned that the
10 State live within its means. Some savings from
11 reductions in the cost of government operations, and
12 actually cost cutting, could allow funds to be
13 shifted to some transportation projects.

14 On the federal landscape, we see some more
15 opportunities. New York should take steps to ensure
16 that we receive our fair share of transportation
17 dollars.

18 We know that soon, despite the delay, the next
19 surface transportation bill will be negotiated. We
20 need to step up our work with our senators and
21 congressional delegation and visibility in DC as the
22 next surface transportation bill is negotiated.

23 Our senators and congressman are doing a great
24 job, but New Yorkers in Upstate can be more engaged
25 at the federal level as this moves forward. We must

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2 put forth an extraordinary effort over the next year
3 to best position our state. This should be very
4 visible and a team effort.

5 Our most promising opportunity is with
6 high-speed rail. American is embarking on a mission
7 to invest in our rail infrastructure to begin to
8 catch up with the rest of the world after pretty
9 much ignoring our rail system for 30 years.

10 The Chamber and the MBA, together with Syracuse
11 Mayor Driscoll over the past year have reached out
12 to other chambers of Commerce, economic development
13 organizations, upstate mayors, metropolitan planning
14 organizations and tourism bureaus throughout the
15 Upstate and the Adirondacks to create the high-speed
16 rail New York Coalition.

17 Part of the Coalition's mission is to support
18 New York's application to the FRA to complete work
19 on the Empire Corridor as part of this national
20 network.

21 We believe high-speed rail can be as
22 transformational, especially for the Upstate metro
23 areas, as the Erie Canal.

24 Our further mission is to see that the project
25 is completed to its fullest and to maximize the

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2 economic and business development opportunities that
3 will come from bringing reliable, efficient,
4 comfortable high-speed rail travel across the Empire
5 Corridor.

6 We partnered with DOT to prepare the Regional
7 Impact Statement that accompanied their application
8 to the FRA.

9 Each of the metro areas in Buffalo/Niagara,
10 Rochester, Syracuse, Utica/Rome, Albany and
11 Plattsburg submitted to the statement.

12 We cover the aspects of economic development,
13 research and development, urban development,
14 environmental benefits, transportation, tourism and
15 quality of life. We produced a very strong report
16 showing how each area will benefit and grow with the
17 construction and completion of the Empire Corridor.

18 A more extensive study and forecast of economic
19 potential would no doubt add to these listings.

20 We will shortly be holding a media event to
21 announce the formation of the coalition and release
22 the regional impact report and to announce the
23 Coalition's planned activities for outreach and
24 education through Upstate.

25 We ask that you consider high-speed rail a

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2 critical priority and that you do all you can to
3 keep New York State as well positioned as possible
4 in the competition for federal funding over the next
5 few years.

6 Further, Senator Valesky, we support the
7 Hoyt/Valesky Bill to create a New York State rail
8 authority as an entity totally dedicated to all
9 things rail in New York.

10 We need a team of rail experts who are totally
11 focused on completing the Empire Corridor in order
12 to realize the full economic potential of this.

13 We look forward to the opportunity to speak
14 with you today and we look forward to working with
15 your committee on high-speed rail as we move
16 forward.

17 SENATOR VALESKY: Thank you, Deb. I know the
18 Committee looks forward to working with the
19 Collision, particularly on the high-speed rail
20 project.

21 MS. DEBORAH WARNER: Thank you.

22 SENATOR DILAN: I just want to thank you and
23 your testimony is right on target and I just want to
24 make two points.

25 First is that myself and with President Malcom

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2

Smith did travel to Washington, DC two weeks ago and

3

we met with both New York US Senators and we met

4

with the Deputy Secretary of Transportation. We

5

also met with Congressman Member Rangel on the

6

Reauthorization Act of Transportation and Rail

7

issues. So I want you to know that we are being

8

really proactive here and we're with you.

9

Also, the second point is that I have some

10

interesting reading for anyone that's interested,

11

but myself and my staff met yesterday with the staff

12

of State Controller DiNapoli. And today he put out

13

a press release and report that you can probably

14

download from his web site that's titled "Highway

15

Robbery: State's Ailing Roads and Bridges Robbed of

16

65 percent of Highway and Bridge Trust Fund Money."

17

So the issue of the trust fund is something

18

that I've been concerned with and was also an issue

19

that I brought up to the State Controller yesterday.

20

And there were some certain audits that I considered

21

that they conduct and also I requested, perhaps,

22

some studies that his office can look at. We're

23

trying to use his office as best as we can.

24

But I know we have to fix that trust fund

25

because the way it's working, we're currently using

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2 it as a collateral base through the DMV of the State
3 of New York, and that's something that we really
4 have to work on.

5 MS. DEBORAH WARNER: Thank you, Senator, for
6 shedding some light on the need for increasing
7 integrity for the trust fund. That's really
8 important. I do follow that you and Malcome went to
9 DC and I've had several conversations. He's
10 obviously a real champion of this and we appreciate
11 all you're doing on this. Thank you.

12 SENATOR DILAN: Thank you.

13 SENATOR VALESKY: Okay. Next we'll hear from
14 Jason Clark, Executive Director of Business
15 Development Corporation of Greater Massena.

16 Those of you who are waiting to testify, no,
17 he's not going to read this whole document.

18 MR. JASON CLARK: I'd like to thank
19 Chairman Dilan, Senator Valesky for extending the
20 invitation to attend today. I'd also like to thank
21 all of your Upstate legislators for their continued
22 support, Senator Aubertine, Senator Griffo. Very
23 much like to thank Senator Dilan also who is with us
24 here today, Scozzafava briefly and my colleague
25 Mark Bellardini who traveled with me today.

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2 As a way of introduction, I'm here to talk
3 about construction of Interstate 98. This is
4 essentially a four-lane-highway project, an
5 interstate project that would connect the North
6 Country on its points in the east and west through
7 Watertown and Plattsburgh.

8 With respect to myself, I'm a North Country
9 native. I went to high school in the North Country
10 and I spent 15 years out of the area.

11 In those 15 years, I attended Drew University.
12 I did graduate work at Drake University in
13 Des Moines, Iowa.

14 In that time, I've lived in five states; I
15 worked in 17; and I traveled through 41. So I guess
16 in a way you could say I've seen a lot of planes,
17 trains and automobiles; almost notably the
18 automobile.

19 I've also been able in that time to bear
20 witness to infrastructure and huge development and
21 that's essentially what we're talking about with
22 respect to Interstate 98.

23 Three years ago I opted to come back home to
24 the North Country and I've headed up the Massena
25 Business Development Corporation since.

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2 It's part of our goal to expand the North
3 Country economy. It's also part of our goal to help
4 bring more young people back into the North Country,
5 back in New York State, and I think this is a
6 project that will help us do that.

7 Again, by way of project introduction, this is
8 not a project that's new. In fact, DOT archives
9 date back to 1937. It was previously referred to as
10 the Roof Top Highway. So, again, I think that puts
11 the idea in better context.

12 We're at this point, though, advocating for the
13 construction of the stand-alone divided highway
14 between the Champlain area and then the Watertown
15 area to the west.

16 There have been a number of studies that have
17 been done, essentially, analyzing the need for such
18 a highway. Without going into details of those, the
19 economic development analysis of the North Country
20 Transportation Study is included in part of the
21 booklet.

22 We are essentially advocating for the strongest
23 recommendation of the northern -- North Country
24 Transportation Study which is the construction of
25 limited access stand-alone, four-lane interstate

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2 with four lanes first to Lowville, which would
3 effectively then attract other traffic to the Utica
4 and Rome areas, Ogdensburg, the international bridge
5 that's currently owned and operated by the
6 Ogdensburg Bridge and Port Authority, the Seaway
7 International Bridge at Massena and then the city of
8 Plattsburgh.

9 We're also looking at part of what has been
10 proposed to expand the highway into an actual
11 transportation corridor. This would include
12 opportunities for rail, for port operations, for
13 intermodal facilities, and integrated trail network
14 that would then be able to connect the true beauty
15 of the North Country with all the Adirondacks have
16 to offer, the Catskills and the Finger Lakes region
17 of New York.

18 I guess the question is: Why build an
19 interstate in the North Country?

20 One of the reasons, and probably the primary
21 reason, is the anticipated number of jobs that it
22 will create.

23 Federal estimates indicate that 27,000 jobs are
24 likely and possible given the construction of this
25 project. Job creation, as I'm sure you're both

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2 aware, in any part of New York State helps reduce
3 the tax burden for all New Yorkers.

4 As Senator Smith and Senator Aubertine have
5 said so many times in the meetings that I've been
6 at, "This truly is one New York." And like I said,
7 in reducing the tax burden among all it's certainly
8 going to be a primary of ours with this project.

9 This project is of monumental regional scale.
10 The expectations, like I said, are unprecedented
11 development opportunity. It essentially helps to
12 complete the vision of the St. Lawrence Seaway
13 project. And that's truly why it's so important.
14 Because as we consider Canada as the largest trading
15 partner in the United States, the largest
16 international trading partner with New York, this is
17 a project that will help open up the northern part
18 of New York State to international commerce; it will
19 help expand port operations in Ogdensburg and
20 Oswego; it will help draw truck traffic out of the
21 Adirondack Park and through the North Country for
22 better transportation options. That's where the
23 international market is relative to New York. And
24 this is a project that will help expand and enhance
25 that.

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2 It also will help to expand the truly
3 exceptional educational institutions that bear home
4 in the St. Lawrence County Region and throughout the
5 North Country. Some of the finest science in the
6 country is being done at Clarkson University right
7 now; some of the best students in the country are
8 graduating from St. Lawrence University. This will
9 help bring them and keep them in the local area
10 doing that science and continuing their work in the
11 greater part of New York State as opposed to moving
12 south as so many have.

13 With that said, there's also a national
14 security issue. That relates to Fort Drum. The
15 expansion of Fort Drum -- any expansion of Fort Drum
16 is good for the entirety of New York State. And we
17 believe and we documented this is a project that
18 will help do that.

19 Really one of the key issues -- and I think
20 this is key for everyone in New York. This is a
21 project that -- again, when you're talking about
22 27,000 jobs, when you're talking about opening up
23 the Northern Corridor and when you're talking about
24 expanding international commerce to the point that
25 we are, it will help bring back the children and the

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2 grandchildren that have left New York and gone to
3 other states.

4 I know in the last couple of days there have
5 been reports that New York has shed more jobs -- or
6 shed more residents than any other state in the
7 country. This is a -- this is clearly in align with
8 helping to correct that.

9 Another point -- and this is, you know, again,
10 from an economic development perspective. This is a
11 project -- the Interstate 98 project will help curve
12 rural poverty. It's hard to speak about the project
13 without talking about the economic conditions that
14 affect the North Country. I mean, most of the North
15 Country counties are among the worse in the state in
16 terms of per capita income; unemployment rates are
17 among the highest in the state, when you also
18 include Stuben County; educational attainment levels
19 are among the lowest in the state. Again, this is
20 stimulus both for the people that live there, but
21 also for the economic conditions of the Empire
22 State.

23 We have -- and this is essentially the basis of
24 the book. We've developed more than 150 resolutions
25 from municipalities, economic development agencies

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2

and civic organizations, more than a hundred towns

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and villages specifically, which our mission in

4

starting the resolution drive was to really go to

5

the elected officials who represent the constituents

6

on a very micro basis throughout the North Country,

7

and between four counties, soon to be five, once we

8

get the fifth, we'll expand that to seven, and 100

9

towns and villages. I think that shows the true

10

nature of the consensus that's been created

11

throughout North Country.

12

Senator Gillibrand, we had asked originally for

13

an appropriation under the Federal Highway

14

Reauthorization Bill. That was supported by our six

15

northern legislators in the amount of \$800 million.

16

She had -- I believe the request was for 165 million

17

is what she had requested as part of that bill.

18

There's a tremendous amount of local interest.

19

I think we've gotten a lot of support from the

20

federal government and we'd very much like to ask

21

that you include this project as a priority

22

consideration in the five-year plan.

23

SENATOR VALESKY: Great. Let me just take just

24

a moment really to congratulate you and everyone

25

involved in the very impressive local effort that

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2 has been underway. You talk about the dozens and
3 dozens of local governments and organizations, and
4 your elected officials, certainly on a bipartisan
5 basis, have all come together in support.

6 And I would just mention for the record
7 certainly Assemblywoman Russell's strong support in
8 Albany in the short time that she has been there.
9 But she has certainly lent her voice in a very
10 meaningful way.

11 I would just also suggest -- I know that you
12 have in your packet the formal request from
13 Senator Gillibrand. I would certainly encourage you
14 to do the same of Senator Schumer if you haven't
15 done so already.

16 MR. JASON CLARK: Yes, we have.

17 SENATOR VALESKY: Okay. Thank you. And the
18 Committee will certainly look into this information
19 very, very carefully.

20 SENATOR DILAN: Thank you very much.

21 MR. JASON CLARK: Thank you.

22 SENATOR DILAN: And I, too, would like to join
23 Senator Valesky in welcoming Assemblywoman Addie
24 Russell, and I look forward to working with you and
25 your colleagues and your transportation chair in

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2 many of these initiatives.

3 ASSEMBLYWOMAN RUSSELL: Thank you.

4 SENATOR VALESKY: Thanks very much.

5 Okay. Brian Renna, Liquid Asphalt Distributors
6 Association and Suite-Kote Corporation.

7 MR. BRIAN RENNA: Thank you very much for being
8 here today or for allowing me to be here today.

9 In today's economic climate with declining
10 government revenues, we are being forced to look at
11 new ways to fund our vital transportation
12 infrastructure. In order for commerce to continue
13 to move, we need a sturdy system and a long-term
14 plan on how to keep it from falling into ruin.

15 Earlier this month, New York State DOT released
16 its Five-Year Capital Program that provided a
17 proposed funding framework to last until Fiscal Year
18 2014-15. This plan is aggressive and attempts to
19 address the needs of our infrastructure. However,
20 this very same day it was released
21 Governor Patterson issued a statement, "This plan
22 and the plan the MTA submitted on October 1st are
23 simply unaffordable given New York's fiscal
24 condition."

25 As a result of this harsh reality, many believe

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2 now is the time to explore all viable funding
3 options. And it just might be the time where we
4 completely change our philosophy that guides our
5 transportation infrastructure policy.

6 When you consider the fact that New Yorkers
7 already pay the second highest gas taxes in the
8 nation and New York motorists pay over \$2 billion in
9 tolls, which ranks number one in the country, it's
10 clear to see that raising taxes or toll rates is
11 simply not the answer. There has to be another way.

12 For many years, Liquid Asphalt Distributors
13 Association and their members have been promoting a
14 maintenance-first approach to attending to our
15 infrastructure needs. Put simply, the method is a
16 planned system to maximize of treating pavements to
17 maximize their useful life.

18 Known to many in the industry is pavement
19 preservation, a procedure that takes the maintenance
20 process one step further by carefully choosing and
21 timing pavement maintenance applications to extend
22 the life of the pavement. This approach not only
23 makes sense for the long-term health of our roads
24 and bridges, but it also offers a tremendous benefit
25 to the taxpayers and the environment.

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2

Studies conducted by the Federal Highway

3

Administration have proven that every dollar spent

4

on preventative maintenance treatments saves up to

5

\$10 in future rehabilitation costs. This is a

6

startling statistic that in and of itself is worth

7

serious consideration of completely overhauling our

8

approach to funding the needs of our transportation

9

infrastructure as we continue to move further into

10

the 21st century.

11

In addition to the huge cost savings, it also

12

allows budget officials at all levels of government

13

to forecast future infrastructure costs. Because

14

the process is spread over long periods of time,

15

highway officials can put in place a plan that will

16

be a much more accurate guide to understanding what

17

resources will be needed and what fiscal year they

18

will needed to be completed in.

19

A maintenance-first philosophy places less

20

stress on the motoring public. Pavement

21

preservation processes are proven to reduce user

22

delays and user costs. Instead of shutting down

23

vital sections of congested highways for long

24

periods of time throughout the travel season, these

25

processes allow for a much less lane closure time.

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2 Also, when road conditions are maintained, the
3 roads incur less damage and that translates into
4 significantly less wear and tear on the vehicles
5 that travel on them, thus providing an indirect
6 financial savings to all motorists.

7 Environmentally these processes are also of
8 great benefit. It is no secret that
9 Governor Patterson and New York State DEC and
10 New York State DOT have been focused on reducing our
11 industry's effect on the environment. We have
12 heeded this call and would like to urge you to not
13 only consider the economics of the pavement
14 preservation but to also understand that there are
15 enormous reductions in emissions and significant
16 savings of natural resources.

17 According to a study conducted by the
18 Consortium on Green Design and Manufacturing at the
19 University of California-Berkeley, pavement
20 preservation processes have shown to emit
21 significantly lower levels of carbon dioxide,
22 nitrogen oxide, sulfur dioxide and particulate
23 matter. These reductions have been quantified by
24 testing emissions on a 3-mile project performed
25 using various maintenance products and directly

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2 compared to a 2-inch hot mix asphalt overlay.

3 The results of these tests have shown a minimum
4 reduction of 296 milligrams of carbon dioxide;
5 2,100-500 kilograms of nitrogen oxide; 39,000
6 kilograms of sulfur dioxide; 391 kilograms of carbon
7 monoxide; 2.44 grams of mercury; and 123 grams of
8 led.

9 In addition to the emissions reduction, the
10 same 3-mile 2-inch hot mix overlay project uses a
11 minimum of 140,000 gallons more diesel fuel than any
12 of the maintenance processes.

13 To put the savings in perspective, it's enough
14 diesel fuel to run 80 school buses that transport
15 9,000 students for at least 15 months.

16 Hot mix asphalt will also consume nearly 2,000
17 more kilograms of water than any of the pavement
18 preservation processes.

19 In closing, I'd like to offer a shining example
20 of corporate and government cooperation, something
21 that was talked about a little bit earlier. And as
22 a represent of Suite-Kote Corporation, as well, I'd
23 like to just show how government and industry can
24 work together to repair infrastructure and also
25 create jobs.

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2 In 1999 Suite-Kote Corporation completed
3 construction of a multi-million dollar asphalt
4 terminal. This represented the single largest
5 capital project in company history and will allow
6 Suite-Kote to store large amounts of asphalt to be
7 used in the Upstate New York marketplace.

8 However, putting a facility this large into a
9 small rural community brings with it many
10 challenges.

11 Our main concern was to be able to place this
12 facility without tearing apart the fabric that bound
13 our community together. In order to meet our new
14 storage capacity needs, we needed to increase our
15 truck traffic to the community by nearly 60 percent.
16 And we understood that this would result in a
17 significant burden on local residents.

18 So we reached out to the New York State
19 government with a plan to revitalize the dilapidated
20 section of the New York Susquehanna rail line.
21 Sadly this spur in Cortland County had sections that
22 were abandoned many years ago that would lead up to
23 our plan.

24 Through the use of government funds to repair
25 the rail, we were able to get the Cortland team

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2 track up and running again. This has brought with
3 it many jobs and opportunities to our area that have
4 been lacking economically and had allowed us to
5 become a better corporate neighbor leaving a smaller
6 footprint on our community while maximizing our
7 service to our customers. But most of all it
8 expanded our purchase area without adding traffic
9 congestion to our highways.

10 I thank you very much for allowing me to speak
11 today. Thank you.

12 SENATOR VALESKY: Can I just ask. To what
13 degree is that -- the process that you described, to
14 what degree are they being used in New York at this
15 time?

16 MR. BRIAN RENNA: Well, it's rather prevalent
17 on the lower -- on lower government levels. I like
18 to call our town highway superintendents
19 magicians -- financial magicians because many years
20 ago their funds started to dry up at a much higher
21 pace. So what many of them did was try to find a
22 way to stretch their dollars.

23 So they implemented a much different pavement
24 preservation program that we have in New York State.
25 We use a lot of hot mix overlays in New York State.

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2 And on the local level and many -- on certain
3 high-volume roads, as well, we can use Slurry seals
4 and surface treatments on the rural roads. There
5 are very many products -- we have a coal in place
6 recycling process that is also very good at
7 reconstructing and re-profiling the road.

8 So we've been using this on the town level and
9 it's starting to move -- and the counties have used
10 them. It really stretches their dollars and now we
11 would like to see the state adopt the FWHA
12 guidelines of moving from a traditional funding to a
13 maintenance-first system. And this could be
14 achieved over the next ten, twelve years by simply
15 moving the \$400 million that we -- that Upstate
16 motorists outside of the MTA service area spends in
17 tolls and taxes and gas taxes and shifting it back
18 to Upstate to get this program up and running
19 efficiently.

20 SENATOR VALESKY: Thank you.

21 MR. BRIAN RENNA: Thank you.

22 SENATOR VALESKY: Jeff Hanlon, President of
23 Slate Hill Constructors is next.

24 MR. JEFF HANLON: Thank you, Chairman Dilan and
25 Senator Valesky, for the opportunity to talk today.

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2 I am the owner of Slate Hill Constructors, a
3 company we started 25 years ago. We have 49
4 employees. We do about \$15 million a year and
5 mostly on roads and bridges in the State of New York
6 Central area.

7 I just would like to just focus on a couple
8 critical issues, I think, today. One is the need --
9 what will happen if we don't fund the program and
10 some options on how we can do it.

11 As you know, at Crown Point -- we talked about
12 it -- it's 3500 people a day with a hundred-mile
13 detour. The bridge closure is a result of deferred
14 maintenance and neglect.

15 Unless we take immediate action we will see
16 more and more of these bridges being closed. Right
17 now the DOT has 110 other bridges in the state that
18 come under the same category and there will be more
19 to follow.

20 The DOT also uses another benchmark called
21 deficient. Our numbers, as of May, had 992 bridges
22 that are the deficient right now in Region 2 and 3;
23 alarming statistics in the five-year . . .

24 If we fund the five-year program, we would be
25 able to reduce the number of deficient bridges;

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2 we'll be able to work on 4,500 of those bridges. If
3 we don't fund it, we'll be adding 1,500 more bridges
4 to the deficient list.

5 These facts and figures bring out the fact that
6 we need an infrastructure to help increase our
7 economy. We need the economy for jobs. The most
8 important thing we need to have is a good
9 infrastructure. Now, how do we do it? Well, we
10 have -- of course we talked about dedicated fund
11 being broke and robbed and this and that.

12 To allow -- the revenues come from tolling
13 taxes, gas taxes, petroleum business tax and sales
14 tax. And some of them are diverted to the mass
15 transit system down in New York.

16 Restoring the integrity of the dedicated fund,
17 we all agree, is the most important. We talked
18 about parity with mass transit. I think parity is
19 important but not just for the sake of parity but
20 because of the needs of the Upstate -- and the
21 entire state's roads and bridges are just as
22 important as the needs for mass transit.

23 Funding is going to be very tough. The DOT has
24 been silent on their -- how they're going to come up
25 with the revenue. Right now there's a lot of cash

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2 transfers each year to try to take up for budget
3 shortfalls. We have to look at every possible
4 alternative, even the politically unpopular gas tax.
5 I mean, that's where the money is -- that's really
6 the source that we feel is going to bring you the
7 dollars you need to build it with.

8 One other thing I can report on is that the --
9 the only one we haven't talked about today is the --
10 are your funds being used efficiently and to the
11 best possible -- are you making the most -- best use
12 of the funds?

13 I will tell you that the bidding process for
14 roads and bridges is very competitive. You have a
15 wide selection of subcontractors, suppliers,
16 equipment dealers and general contractors all
17 competing competitively for the work.

18 One area that -- and recently -- some of these
19 costs being incurred are like workmens' comp cost.
20 A few years back we did some reform work. We were
21 able to increase the benefit from \$400 a week to
22 \$770 a week. We kept the rates the same. We have a
23 very competitive insurance market there.

24 You have the state fund; you have great state
25 fund groups; you have general insurance; you have

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2 self-insured trusts.

3 The one area that -- we pay twice as much money
4 for general liability insurance, but we have few
5 insurance companies coming to the State. And talk
6 reform might be a good area to save a few bucks to
7 build some more roads and bridges.

8 SENATOR VALESKY: Okay. Very good.

9 MR. JEFF HANLON: Any questions?

10 SENATOR VALESKY: Thank you.

11 SENATOR DILAN: Thank you.

12 SENATOR VALESKY: Next we'll hear from
13 Charles Liggett, the Director of the American
14 Society of Highway Engineers.

15 MR. BRUCE TREXLER: Hi, Senator. We're not
16 Charlie Liggett.

17 SENATOR VALESKY: Okay. Yes, that's right. We
18 are ahead of schedule now. We've gotten back to
19 schedule.

20 MR. BRUCE TREXLER: Thank you, Senator Dilan
21 and Senator Valesky, for allowing us the opportunity
22 to speak here today.

23 My name is Bruce Trexler. I'm a former
24 commissioner of transportation for Onondaga County
25 and past president of the New York State County

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2 Highway Superintendent's Association. And I'm here
3 today with my colleague, Frank Gerace, former chief
4 engineer for the New York State Department of
5 Transportation, to represent the views and the
6 opinions of the American Society of Highway
7 Engineers of which we are active members. A little
8 background on ASHE.

9 The American Society of Highway Engineers was
10 incorporated in 1958 when a small group of engineers
11 from the Pennsylvania Department of Transportation.
12 Private consulting firms, material suppliers and
13 contractors from the Harrisburg, Pennsylvania area
14 chartered the first ASHE section.

15 The need for such an organization was realized
16 by the enormous growth of the highway industry in
17 the 1950's coupled with the passage of the national
18 system of Interstate and Defense Highway Act of
19 1956. Since then our organization has grown to over
20 6,000 members and more than 24 states.

21 As stated earlier, our membership is comprised
22 of engineers and technicians from the state, county,
23 city, town agencies, as well as from private
24 consulting firms, contractors, material suppliers
25 and vendors, and many firms which support the

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2 transportation industry, such as materials testing
3 labs, surveyors and manufacturers. In other words,
4 we represent all facets of the transportation
5 industry.

6 Our mission is to provide this forum for
7 members and partners of the highway industry to
8 promote a safe and efficient highway system through
9 education, innovation and networking.

10 We appreciate the daunting task before you as
11 you establish a budget for the New York State
12 Department Five-Year Capital Plan.

13 As partners in the transportation industry, we
14 believe that this is the time to take the
15 opportunity to leave the next generation with an
16 infrastructure that is sustainable.

17 While we understand that you have to balance
18 the needs of competing interests within the budget,
19 such as schools and hospitals, it has never been
20 more clear that access to those schools and
21 hospitals is critically dependent on safe and
22 reliable transportation systems. To that end, we
23 would like to present our view of the current
24 situation.

25 In the area of community impacts,

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transportation is essential to local communities for the movement of goods and people, and the reduction of funding results in a loss of this infrastructure. The State's interstate system is the backbone of America. This is proven to be critical to the social and economic well-being of this great state.

Similarly, local roads, many of which started as farm-to-market roads, allowed towns and businesses to thrive. Nearly all residents of the State travel daily on these roads. And the loss of reduction of the transportation system has the potential for huge impacts on the lifestyle and economic well-being of our residents.

Take yesterday's news of the Oakland Bay Bridge closure or Minnesota's I-35 bridge failure as examples.

Closer to home, as has been already stated several times, our most recent casualty of deterioration is the Champlain Bridge, known as the Crown Point Bridge, which crosses Lake Champlain between Crown Point, New York and Chimney Point, Vermont constructed in 1929. It is one of the only bridges across Lake Champlain.

The half-mile, two-lane bridge is jointly owned

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2 by New York and Vermont. It was last rehabilitated
3 in 1991. Last week it was suddenly closed to
4 vehicular traffic due to extensive deterioration.
5 It is unknown when the bridge will reopen, how much
6 it will cost or how long emergency repairs will
7 last.

8 This bridge closure is devastating to this area
9 of our state forcing some to take as much as a
10 hundred mile detour. The only other option is to
11 cross the lake by ferry. This detail will and has
12 caused serious repercussions for the transport of
13 goods and services and will cause undue hardship for
14 people needing to get to and from places of work,
15 not to mention needing medical rescue or safety
16 personnel.

17 While this may seem an extreme case, there are
18 many bridges in our local, state and interstate
19 systems that demonstrated this vulnerability.

20 The I-81 Viaduct, which you can see right out
21 that window, is nearly 50 years old and it's
22 currently being studied for replacement or removal
23 due to the deterioration of the bridges. The 124
24 bridge spans on this viaduct covering 1.4 miles
25 currently carries over 100,000 vehicles each day and

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2 provides direct emergency vehicle access to the
3 regional hospital complexes within the city on the
4 hill.

5 Industry impacts.

6 As we stated earlier, ASHE is an organization
7 of over 6,000 members that represent transportation
8 across the industry. Our New York State membership
9 represents a cross-section of the United States
10 economy with representatives from all parts of the
11 transportation industry.

12 A reduction in the Five-Year Capital Plan would
13 result in a net loss of jobs and subsequently the
14 tax base resulting in economic downward spiraling.

15 We represent those people who the President
16 cited in the American Recovery Revitalization Act or
17 stimulus funding as the industry that could
18 revitalize our economy by putting America back to
19 work.

20 While the economy has a long way to go to be
21 considered stable employment, the construction
22 industry, and specifically transportation, has
23 played a significant role in the restoration of our
24 economy to where it is now.

25 However, as the President and many others have

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2 said, "This battle is not over." And we need to
3 keep those jobs and the economy going to maintain
4 the progress that we have made.

5 It is imperative that we not let the
6 transportation industry slide back into recession by
7 not investing in our infrastructure. Without jobs
8 this workforce has in the past and will again leave
9 our state for where there is work, and once they
10 leave, they will most likely not return. They are
11 taxpaying people. These are the people that are
12 held up as the example of the people we need to keep
13 working in order to maintain our economy.

14 Now I'll turn the rest of the presentation over
15 to Frank Gerace.

16 MR. FRANK GERACE: Senators, I was a 40-year
17 New York State Department of Transportation
18 employee. I held the position of regional director,
19 deputy commissioner, chief engineer and a colleague
20 of many of the DOT and former DOT people that
21 appeared before you.

22 Presently I'm a consulting engineer for
23 Transportation Infrastructure Management for the
24 City of Utica. And as an aside, I was work- -- I
25 worked on the staff when the dedicated fund was

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2 first put together 35 years ago.

3 There's been a lot said and we're second to
4 last, I believe, or we're pretty close to the end.
5 And almost everything that we were going to say has
6 already been said.

7 So for the most part, I have a disk and ten
8 copies and I'm not going to read to you what you
9 could easily read yourself. But the high points
10 are:

11 We ranked tenth in the nation in
12 transportation; over 40 percent of our bridges are
13 deficient or obsolete; functioning, obsolete;
14 46 percent of the major roads are in poor condition.
15 It approaches 70 percent when you get off the local
16 system.

17 The system desperately needs help. And as
18 Regional Director Carl Ford said -- he gave a
19 preview or projection of how the interstate and
20 national highway system was going to improve with
21 the State Department of Transportation's program.
22 I'll remind the Senators that that is the backbone
23 of the transportation system in the State. But it
24 serves mostly to bring people through the state;
25 people from Canada down to the south and people from

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2 east going to west.

3 The backbone of the economy is the local system
4 and that local system needs attention.

5 The issue of parity has been brought up, and we
6 believe strongly that there has to be parity
7 restored between not only the MTA but the roads and
8 bridges in the State.

9 We know that revenues are going to have to be
10 increased. It's going to have to be raised for
11 several different reasons. But we urge the Senate
12 to urge the DOT to use whatever funds that are
13 raised wisely.

14 Repairs and improvements should be made with
15 materials that serve to have a long life for
16 bridges -- preferably 75 years -- so that they don't
17 have to be repaired frequently at recurring cost to
18 the taxpayer or to the traveling public.

19 We also have to be good stewards of the
20 environment and use materials that can be recycled,
21 reclaimed and that are sustainable. We can't forget
22 about the local counties and municipalities that
23 rely on ships.

24 Several options have been proposed to
25 reiterate -- or to talk about how funding can be

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2 raised. But when Bruce mentioned the Crown Point
3 Bridge, people have said, "How could they let it get
4 that bad?" There is no "they." It's "we" and we're
5 all involved.

6 Senator, you mentioned the Controller said that
7 at least 35 -- or less than 35 percent of the
8 dedicated fund that was originally supposed to be
9 used for transportation improvements have been spent
10 directly on improvements. We support the
11 Controller's attention to that and we urge that the
12 dedicated fund be restored in some fashion.

13 There are some ways to do that. But we support
14 a pay-as-you-go system. We do not propose -- or
15 propose a system that relies on periodic debt
16 through bond issues or referendum.

17 We also urge that transparency be restored so
18 that funds coming into the dedicated fund can be
19 seen by us, the people, as being used for the
20 purpose intended. And we believe if that happens
21 that people will support a raise in taxes.

22 Another aside.

23 Two years ago a ballot referendum was placed on
24 the city of Utica to spend \$2 million to repair
25 their pavements. There was absolutely no education,

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no distribution of information, no selling, if you will, of that referendum and yet it was overwhelmingly passed by the city -- by the people of the city. What that told me was that people are recognizing the problem and are willing to pay their taxes for a solution.

I think that the people would accept a general sales tax increase if it were dedicated to transportation. And the rationale for that would be that virtually everything in this room, everything that's sold comes on a tire. And it is vital to the economy of the State that those tires keep rolling.

There are other solutions, as well. A short-term solution, like a penny per mile based on an odometer check at inspection time, a vehicle mileage driven tax that other states have been exploring. Those are a little bit further out. But we know that the gas tax is not being answered. Increases in the gas tax are not the answer because the gas tax is a decreasing fund source rather than an increasing fund source with the rise of more fuel-efficient cars, more -- different fueled vehicles.

We just had an announcement, Senator, what?

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2 150 jobs coming in from an Indian corporation for an
3 electric vehicle in the area. That is the future
4 and it is not through the gas nozzle.

5 Finally, whatever method -- and I want to
6 reiterate, whatever method is picked it has to be
7 transparent.

8 You also can't forget about ships. The local
9 municipalities rely on that and rely on that as a
10 fund source.

11 So with that, we'd like to thank you for
12 listening to us. This is the first time as a
13 society we've been asked for our opinion and we hope
14 that it was worthwhile.

15 SENATOR VALESKY: It was.

16 SENATOR DILAN: Yes.

17 SENATOR VALESKY: Yes, it was. Thank you very
18 much, Frank.

19 MR. FRANK GERACE: Thank you, Senator.

20 SENATOR DILAN: Thank you for being here.

21 SENATOR VALESKY: Next we hear from
22 Van Robinson who is an at-large member of the
23 Syracuse Common Council.

24 COUNCILMAN VAN ROBINSON: Good afternoon,
25 Senator Dilan --

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2 SENATOR VALESKY: Hello, Van.

3 COUNCILMAN VAN ROBINSON: -- and Senator
4 Valesky. Sorry I wasn't here to hear all the
5 proceedings. I imagine it's a question about money.
6 And today I appear before you with exactly that in
7 mind: Money. And we're not talking about just a
8 little bit of money. We're talking about a
9 considerable amount of dollars.

10 And about seven, eight years ago I had the
11 pleasure of talking to some of the elected officials
12 and asking them, "What is the status of
13 Interstate 81?" And it had outlived almost its
14 lifetime; and, therefore, it's going to have to come
15 down or be rebuilt.

16 I first proposed that we seriously consider
17 I-81, which is a very vital group in the interstate
18 chain, that we should look to take it down in the
19 city, especially in the elevated portions, and
20 reroute it around Interstate 481, that would free up
21 quite a bit of viable property within the heart of
22 the city; it would lend itself to economic
23 development, residential -- reclaim the land for
24 residential and also for recreation.

25 Well, initially I was laughed at and we have a

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2 place over here called Hutchings, which is a
3 psychiatric hospital, and they wanted to enter me
4 there.

5 Well, over the years what has happened, we've
6 had quite a bit of conversation/discussion relative
7 to Interstate 81. And in fact, the Onondaga
8 Citizens League chose to undertake this study this
9 past year to ascertain what would happen if 81 was
10 removed. And this is basically all thought.

11 One, it definitely would improve the esthetics
12 of the city of Syracuse.

13 It would probably induce more people to come
14 downtown.

15 It could and would stimulate the economic
16 development of downtown.

17 So we saw nothing but positiveness of it.

18 Now, I have for you a copy of the final draft
19 of the rethinking I-81. Now, when we look at costs,
20 well, how much would it cost? Well, we know that
21 the federal government will fund approximately
22 80 percent of the cost of removal and rerouting.
23 The 10 percent or 15 percent would, of course, be a
24 state expense.

25 So I have yet to get any actual dollar

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amounts -- there are studies continuing -- as to how

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much the removal of the elevated portion of

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Interstate 81 would be and, perhaps, rerouting it to

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481, which already exists, and at the same time

6

improving the grids -- the street grids -- after

7

removal and updating its traffic control centers.

8

In doing that, I'm sure that the city, the

9

county and the region would benefit. Because right

10

now, Senators, whether you realize it or not, we

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have a Berlin wall in the city of Syracuse which

12

definitely has to come down.

13

On the east side of that highway, you have the

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University, the hospitals; you have a growing,

15

prosperous community. And on the west side of 81,

16

you have an impoverished downtown, neighborhoods

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which need a lot of attention. And by removing that

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barrier, hopefully we will have a renaissance in the

19

downtown area and in the immediate downtown

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neighborhoods.

21

So I come before you today saying to you I know

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at some time down the road -- however, it's never

23

too early to start thinking about what you may have

24

to incur as a state entity, in dollars and cents, in

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the coming years.

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2 So that is basically my request here today; and
3 that is to listen to our plight we have with
4 Interstate 81. And if some of the DOT members are
5 here and if you reach the question on the ballot,
6 they'll tell you, "That guy's been a pain in my
7 butt."

8 SENATOR DILAN: I just want to thank you very
9 much for your participation here today.

10 Obviously this is the first time I personally
11 hear of this particular project. And I will assure
12 you that I will look at it and I will have my staff
13 look at it, and we will get back to you. But with
14 that in mind, I will defer right now to
15 Senator Valesky.

16 SENATOR VALESKY: Thank you.

17 And, Counselor, what seven or eight years ago
18 may have sounded crazy to many, I think it was just
19 visionary and sometimes the vision catches up.

20 COUNCILMAN VAN ROBINSON: That's why we vote
21 for you, Senator.

22 SENATOR VALESKY: I don't have a question for
23 you, but I think I would ask if Mr. Ford could come
24 back. I just wanted to ask a specific question as
25 to that topic, if you could come back to the table,

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2 please.

3 Thank you.

4 Councilor Robinson indicated that his
5 understanding is that the project as he would like
6 to see it take place would be federally funded to
7 the tune of about 80 percent and about 10 to
8 15 percent state resources.

9 The Five-Year DOT Capital Plan Proposal that
10 the Agency proposed last month, does that include
11 any resources at all for the -- whatever -- I
12 understand we don't know what the 81 project is
13 going to look like, but does it include anything at
14 all for the decision that we're eventually going to
15 have to make?

16 MR. CARL FORD: No, it does not. The 81
17 Viaduct is a project that we term statewide and
18 significance and outside the funding in that
19 five-year program much like the Tappan Zee Bridge
20 and Peace Bridge. It's a project that transcends
21 anything that we've done here locally for many, many
22 years.

23 And the fact of the matter is, the number of
24 dollars that we're talking about are so large that
25 we can't put a value on it at this point.

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2 And with all due respect to the Councilor,
3 we're not in a position at this point in the process
4 to be able to quantify the cost. There are a number
5 of options that need to be considered as we go
6 forward in trying to figure out the right approach
7 here.

8 One approach would be to remove what's there
9 now and build some type of surface boulevard. If
10 you think about it, the interchange with 690 would
11 have to be reconfigured, probably the 481
12 interchanges both in the north and south would have
13 to be reconfigured and, quite possibly, the increase
14 in thru-traffic on 481 would require some capacity
15 improvements, perhaps an extra lane. Then you get
16 into replacing bridges and so on.

17 It's huge task. It's a huge planning task and
18 that's why we've embarked on a journey. And we have
19 a consultant onboard to do a two-year study to get
20 us to the point where we'll have several
21 alternatives to seriously consider.

22 SENATOR VALESKY: I appreciate the openness
23 that the Department of Transportation has been with
24 various community interests and agencies and others.
25 It is a transformative -- regardless of what

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2 happens, it's going to be transformative. So I just
3 want to certainly commend you and the Agency for
4 being very open --

5 MR. CARL FORD: Thank you.

6 SENATOR VALESKY: -- as the process continues.

7 As we look out over the next five years in this
8 Capital Plan, we will, however, continue to need to
9 maintain, obviously, that 1.2-mile viaduct. And I
10 imagine if it's -- if we're at its -- or if we're
11 rapidly approaching its normal lifespan that those
12 maintenance costs -- I'm not an engineer, so I defer
13 to you -- will continue to grow exponentially the
14 longer we, you know, don't proceed with whatever the
15 new plan is going to be. Is that an accurate
16 statement?

17 And would this proposal reflect whatever
18 increased maintenance costs you're going to need to
19 continue to maintain those several bridges until we
20 get to whatever the new plan will actually be or the
21 new project will be?

22 MR. CARL FORD: Yes on both accounts.

23 SENATOR VALESKY: Okay.

24 MR. CARL FORD: We continue to do maintenance
25 work to make sure everything is safe and

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2 serviceable.

3 SENATOR VALESKY: Okay. All right. Thank you
4 very much.

5 SENATOR DILAN: Thank you.

6 SENATOR VALESKY: I appreciate it.

7 SENATOR DILAN: Thank you.

8 COUNCILMAN VAN ROBINSON: Thank you.

9 SENATOR VALESKY: I believe the last person to
10 testify that we have on our list is
11 Jonathan Daniels, the Executive Director of the Port
12 Authority of Oswego, if he's here. Very good.

13 MR. JONATHAN DANIELS: Mr. Chairman,
14 Senator Valesky. And, Senator Valesky, it's good to
15 see you again. It's been a couple of years since --

16 SENATOR VALESKY: Yes, it has.

17 MR. JONATHAN DANIELS: - you toured the Port of
18 Oswego on that fine December day.

19 SENATOR VALESKY: Yes, it was.

20 MR. JONATHAN DANIELS: You came through with
21 Senator Schumer. You survived that and I certainly
22 appreciate the opportunity to be before you this
23 afternoon.

24 Again, my name is Jonathan Daniels. And I
25 currently serve as the executive director of the

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Port of Oswego Authority. We're one of five deep
draft commercial terminals, commercial ports.

3

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Certainly not to the size of the Ports of New York
or New Jersey, but no less important when it comes
to economic development activities in the Upstate
region.

5

6

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8

We serve as an international transportation and
commerce center of excellence. The Port handles
cargo for about 13 companies, including Aluminum for
Novelis, for the production of automotive parts, and
canned stock for the food and beverage industry,
locally grown soybeans, corn and wheat for produ and
ag business for export into the Mediterranean basin,
and windmill components for companies such as
Vestus, GE, and Clipper Wind Systems. Our
off-shoreman handle more than 100 million tons
annually and distribute projects to such
international locations as Egypt, Libya and Brazil,
domestic locations such as Norcross, Georgia;
Russellville, Kentucky; and Chesapeake, Virginia, as
well as locations close to home such as Syracuse,
Kato, Scriba, and recently we've had salt movements
into Long Island and New York City.

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I would like to center my comments this

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2 afternoon on the privatization of capital planned
3 expenditures as they should pertain to multimodal
4 development within specific transportation
5 corridors.

6 What this translates into is a desire to have
7 the State focus funding into an area where it can be
8 used to upgrade all modes simultaneously within the
9 transportation mesh. The mesh point is where
10 there's access within close proximity to all major
11 modes of transportation.

12 For example, if we look at the I-81/481 mesh
13 from Syracuse to Oswego, we have a commercial
14 airport, interstate highway, rail service with
15 intermodal yard and deep draft seaport. The problem
16 comes when funding is focused into one specific mode
17 and will often lead to an inability of another mode
18 to accommodate the increased flow. When a lack of
19 funding hits multiple modes, it will close movement
20 of people and goods and settle it to inefficient
21 levels.

22 Recent improvements to the Port of Oswego have
23 made us more competitive and has allowed us to seek
24 cargo that traditionally is moved with Canadian
25 ports and ports as far away as Baltimore.

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2 While our capacity has increased, the lack of
3 improvements to rail -- the rail line between
4 Syracuse and Oswego has caused certain cargoes to be
5 diverted. Just outside our east terminal site,
6 which is our primary public terminal, the track is
7 listed at 80-pound capacity. And that's defined as
8 pounds of rail per foot.

9 Industrial rail installed in current
10 applications is no less than 115 pounds and more
11 traditionally approaches 130 pounds.

12 In addition, the rail and place connects to the
13 Port is stamped 1892. That's when that material was
14 run and was laid.

15 In August of 2008, the Port was contracted to
16 receive a vessel loaded with transformers for
17 installation at two power facilities; one located in
18 Oswego County and the other in Prince Wilhelm,
19 New Hampshire. The vessel was at the dock and we
20 were supposed to get two railcars delivered to the
21 dock to offload these transformers.

22 I received a call from CSX that they would not
23 deliver the cars due to the weight restrictions on
24 the rail just outside our port complex and the fear
25 that the rail, in fact, would snap.

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2 Only after repeated calls to their headquarters
3 did they finally relent and walk the cars --
4 literally walk the cars in -- into the port with
5 three people on each side with cans of lube lubing
6 the track to make sure that the cars could get in.

7 While this appears only to be a railroad issue,
8 it truly is the Port's issue to deal with as
9 industry officials eventually have been indicating
10 that one of New York's ports -- in this case, the
11 Port of Oswego -- has insufficient external
12 transportation connections.

13 The lack of sufficient rail connectivity may
14 even pose a problem to our next development which is
15 the East Terminal Connector Project. This 15-acre
16 development will enable the Port to store and stage
17 containers and project cargo for transshipment to
18 feeder ports outside of the St. Lawrence Seaway.

19 The proposed development of a new mega-port in
20 Eastern Canada will allow the port to ship
21 containers via dedicated service. What will stop
22 the development of a full and productive container
23 operation for the Central New York region is the
24 lack of an effective integrated transportation
25 system with substandard rail leading to an efficient

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2 port complex.

3 What I'm requesting today is that we look
4 closely at our prioritization of funding that allows
5 the Department of Transportation to develop
6 corridors that will facilitate the movement of
7 people and goods rather than encompassing funding
8 going to individual projects. Funding that is
9 relegated to the specific projects within the region
10 often are never utilized to full capacity due to the
11 fact that the surrounding infrastructure is not up
12 to standard.

13 As we look at funding options -- and the new
14 funding option that may come through from the
15 federal government is the recent establishment of
16 the Northern Region Border Commission. This
17 Commission spans some of the most distressed states,
18 from upper state in Maine all the way to Oswego
19 County. The four states, Maine, New Hampshire,
20 Vermont and New York, have come together to
21 establish this Northern Region Border Commission and
22 it's been -- it was developed in the same model as
23 the Appalachian Regional Commission running from the
24 southern part of New York State all the way down to
25 the distressed areas in the Golf Coast.

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2 \$1.5 million of federal funding has recently
3 been allocated to begin the development of this
4 border commission.

5 Eventually the states are being asked to pony
6 up the money, along with matching federal funds
7 which will be used for projects of regional
8 significance. Those regional-significant projects
9 will run from one state to another state.

10 So as we're looking at some of our distressed
11 regions of New York State, we may be able to pull
12 some of that federal funding, match that against
13 New York State funding in order put forth these
14 projects.

15 We are certainly willing to answer any
16 questions you may have.

17 SENATOR VALESKY: Thank you very much. I
18 appreciate your testimony.

19 SENATOR DILAN: Thank you. I don't have any
20 questions. So thank you very much for your time.

21 MR. JONATHAN DANIELS: Thank you.

22 SENATOR VALESKY: Thank you.

23 That concludes the scheduled list of those who
24 are interested in providing testimony. If there's
25 anyone here who would like to share any comments

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2 with us. Anyone?

3 Okay. Very good.

4 Well, let me just in closing thank everyone who
5 provided valuable testimony to us.

6 The Committee, under Chairman Dilan's
7 leadership, will continue to hold these public
8 hearings across the state and allow us to have the
9 greatest benefit in terms of public input into
10 determining how to proceed on the proposed DOT
11 Five-Year Capital Plan.

12 I want to thank everyone for their
13 participation.

14 Mr. Chairman.

15 SENATOR DILAN: Yes. Thank you very much.

16 First of all, I want to thank the City of
17 Syracuse and the Common Council members for offering
18 this chamber to us for this public hearing.

19 As I mentioned earlier, this is just the first
20 public hearing of the series of many. The next one
21 will be tomorrow in Buffalo and we will be
22 announcing the others as we go along.

23 But I want to thank everyone who testified
24 today and all those that were behind the scenes to
25 make sure that this public hearing was a success.

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2 But the goal here is to fund the Five-Year
3 Capital Plan. I can assure you that that
4 commitment, as I mentioned earlier, will be kept.
5 We did a two-year plan right now for the MTA region.

6 Our priority is this Capital Plan. Nothing
7 else will happen in terms of any other type of
8 funding until we honor this commitment. I can
9 assure you that. And I know that all members of the
10 Committee feel the same way.

11 And I've spoken to many of my colleagues from
12 outside of this area in terms of meeting those that
13 live in the MTA region and I think they got the
14 message very clear that we will not move forward
15 with any other issue until we honor this commitment.
16 And I can assure you that this is our number-one
17 priority.

18 And also the second reason for these hearings
19 is to bring transparency, as one of the testifier's
20 requested today. We'd love to bring transparency to
21 the process of the Capitol's budget and all budget
22 items in the State of New York so the public and
23 general can understand how we operate in Albany.

24 And we will continue to do this until every
25 single citizen in the State of New York really

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2 understands how Albany works and that it's not only
3 fed information and sometimes unfortunately
4 inaccurately by our media.

5 So the only way that people will really see
6 what we're doing is if we continue to have hearings
7 like this and open up Albany to the citizens of the
8 State of New York.

9 So I look forward to seeing some of you
10 tomorrow in Buffalo. So thank you very much.

11 And I want to thank Senator Valesky for
12 co-chairing and actually leading today's hearing and
13 he's a dynamic leader. He's one of our leaders in
14 Albany and he hit the ground running when he came
15 there. He has always shown an interest for
16 transportation issues and especially for the highway
17 bridge funds throughout the State of New York.

18 So I want to thank you very much,
19 Senator Valesky.

20 And on that note, I wish you all have a good
21 afternoon and thank you.

22 (Proceeding concluded at 2:55 p.m.)
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