

## Organizations Rebuttal to Public Statements Regarding Metro-North Expansion to Albany by Janno Lieber

Recent public statements made by MTA Chairman and CEO, Janno Lieber, suggesting Amtrak “feared competition” and therefore “backed away” from allowing Metro-North service north of Poughkeepsie mischaracterizes both the legal framework governing the Empire Corridor and unambiguous realities of federal and state law. The issue is not about competition. It is about statutory authority and mandatory labor protections, which have been ignored by the MTA and Metro-North from the onset.

In the interview, Chairman Lieber suggested that there is “nothing to stop” Metro-North from operating north of Poughkeepsie if “political forces agree,” and that the remaining obstacles are merely “bureaucratic” in nature. That assertion is legally incorrect for many reasons.

The New York City to Albany route is not a discretionary commuter extension. It is a federally designated intercity passenger rail corridor, forming part of the Empire Corridor high-speed rail designation. Under 49 U.S.C. § 24701, Amtrak is the only federally chartered entity authorized to operate a national rail passenger transportation system providing intercity passenger rail service across state and regional boundaries.

Any proposal to replace Amtrak with another carrier within this corridor squarely invokes 49 U.S.C. § 22905(d), which mandates enforceable labor protections in the event of replacement intercity service. The statute is not optional and mandates any replacing entity: 1) Provide priority hiring to affected employees according to seniority; 2) Establish procedures for notification and application; 3) Negotiate rates of pay, rules, and working conditions; and 4) Provide for binding arbitration if agreement is not reached. Moreover, the statute mandates 90 days’ written notice prior to replacement service and requires negotiations to commence within five days. Any replacement of Amtrak intercity service by Metro-North without invoking these protections would directly contravene federal law and undermine the statutory rights of employees represented by the BLET.

These are not simply “bureaucratic issues.” They are explicit congressional requirements enacted to prevent displacement of federally protected rail labor when intercity passenger rail service is transferred from Amtrak to another entity. Any claim that the matter could proceed “promptly” if political agreement were reached ignores the mandatory successorship and bargaining obligations embedded in federal statute, something Chairman Lieber should understand.

Chairman Lieber also implied that there is “no reason to stop in Poughkeepsie” and further suggested possible MTA expansion to Albany or even Saratoga. That statement overlooks New York Public Authorities Law, which strictly limits Metro-North’s jurisdiction to commuter service within the Metropolitan Commuter Transportation District; which Chairman Lieber should have an intimate understanding of, as Chairman and CEO of the MTA who is bound by such laws.

As outlined and explained by this Organization to the MTA, Metro-North’s statutory authority under Sections 1262, 1263, and 1264 of the New York Public Authorities Law confines its operations to defined commuter territory, terminating at Poughkeepsie. Section 1266(e) further reinforces that its advisory and operational jurisdiction applies only to lines “remaining within the metropolitan commuter transportation district”. Again, the suggestion that expansion is

simply a matter of will or enthusiasm is inconsistent with both federal and state statutory limits, of which the MTA and Chairman Lieber are bound.

Throughout the interview Chairman Lieber attempted to force public opinion against Amtrak based upon competition fear, rather than truths. The lack of understanding, or knowledge, over the law governing the MTA by the Chairman and CEO, should be troubling. While the United States Codes referenced may be complex in nature, this office previously carbon copied him on three separate emails that clearly explained and outlined the applicable labor protective statutes. Those communications were also provided to the President of Metro-North and were transmitted prior to the interview in question. Accordingly, he should have had sufficient notice and foundational knowledge of the governing legal framework before making incorrect statements.

Which should only lead the reader to question one thing now: If he was dishonest about this situation, when the truth would not hurt MTA, Metro-North, or Amtrak, what else is he being dishonest about?

The opposition to Metro-North expanding its operations to Albany is not about fear of competition, as Chairman Lieber attempted to portray. However, it is about a public entity attempting to expand beyond its defined statutory limits, infringe upon the rights of another work group with no regard to labor, and its ignorance over laws which were repeatedly explained and outlined from the onset. This is ill-advised, unsubstantiated, fabricated testimony by Chairman Lieber, where he simply lets facts get in the way of a good story to protect MTA's shortcomings.