



*Executive Director*  
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 Plummer & Wigger, LLC

# RAILROADS OF NEW YORK

## MEMORANDUM OF OPPOSITION

**BILL:** S4982 (LaValle)/A7005 (Thiele)

**SUBJECT:** PHASE-OUT OF CREOSOTE IN RAILROAD APPLICATIONS

**DATE:** June 25, 2020

**CONTACTS:** SCOTT WIGGER, EXECUTIVE DIRECTOR (518-463-2606)  
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Railroads of New York, Inc. (RONY) opposes the above-referenced legislation that would phase-out the use of creosote in railroad applications. Creosote is used by railroads as a preservative to treat wood products that are used in applications including ties, poles and timbers and is a necessary wood treatment product that has no other viable commercial alternatives.

RONY is a statewide association that represents the freight rail industry in New York State. RONY's members include four Class I Railroads (CSX, Canadian National, Canadian Pacific and Norfolk Southern) and 36 short line and regional railroads. Together, these companies employ over 3,700 individuals and carry nearly 77 million tons of freight in 2 million carloads annually statewide. RONY's membership is also supported by dozens of Associate and Contributing Members which represent a variety of freight rail-related businesses, including material suppliers, contractors, engineers, surveyors and industrial development agencies.

Creosote has been used in railroad wood products, and railroad ties in particular, for over 150 years as a means to protect such products from environmental elements. No other viable non-creosote based wood preservative currently exists in the market. Without creosote-treated wood products, railroad ties would deteriorate on an accelerated basis, potentially endangering the condition of the tracks which could then lead to significant safety concerns.

The use of non-wood based products such as concrete and steel are also not viable for railroads to use as railroad ties. Concrete is prone to cracking, rendering them useless when they do crack, and steel is not economically viable as steel ties can cost up to five-times more than wood ties. In addition, concrete or steel ties cannot be used to replace some ties along a rail line while using wood ties in other parts of the line because of engineering issues relating to how each material responds to weights upon it differently.

- Member Railroads*
- Adirondack Scenic RR
  - Arosde & Attica RR
  - B & H Rail Corp.
  - Batten Kill Railroad, Inc.
  - Buffalo & Pittsburgh Railroad, Inc.
  - Buffalo Southern Railroad, Inc.
  - CSX Transportation, Inc.
  - Canadian National Railway Co.
  - Canadian Pacific
  - Central New York Railroad, Inc.
  - Clarendon & Pittsford Railroad Co.
  - Consolidated Rail Corporation
  - D & H Railway
  - Depew Lancaster & Western Railroad Company
  - Falls Road Railroad Co. Inc.
  - Finger Lakes Railway Corp.
  - Genesee & Mohawk Valley RR Co.
  - Genesee & Wyoming Railroad
  - Ibaca Central RR
  - Livonia, Avon & Lakeville Railroad
  - Lowville & Beaver River RR Co.
  - Massena Terminal RR
  - Middletown & New Jersey Railroad LLC
  - Mohawk, Adirondack & Northern RR
  - New York & Atlantic Railway Co.
  - New York & Lake Erie Railroad
  - New York New Jersey Rail, LLC
  - New York & Ogdensburg Railway Co.
  - NY Susquehanna & Western Railway
  - Norfolk Southern Railway Co.
  - Ontario Central Railroad Corp.
  - Ontario Midland Railroad Corp.
  - Owego & Harford Railway
  - PanAm Southern
  - Providence & Worcester Railroad
  - Rochester & Southern Railroad
  - SMS Rail Lines of New York
  - South Buffalo Railway Co.
  - Syracuse, Binghamton & NY RR
  - Wellsboro & Corning Railroad
  - Western New York & Pennsylvania RR
- Associate Members*
- American Rail Engineers Corp.
  - Bergmann Associates
  - Bowers & Company CPA's, PLLC
  - Brookhaven Rail, LLC
  - CHA LLP
  - C & S Engineering, Inc.
  - Delta Railroad Construction Inc.
  - Erdman Anthony
  - Erie County IDA
  - Frontier Railroad Services LLC
  - HDR Engineering, Inc.
  - HNTB Corporation
  - JMT of New York, Inc.
  - McCarthy Rail Insurance Managers
  - RailPro Industries, Inc.
  - RailWorks Track Services, Inc.
  - Southern Tier Extension Railroad Authority
  - Stella-Jones Corp.
  - Tartaglia Railroad Services, Inc.
  - Tectonic Engineering Consultants
  - Tracks Unlimited LLC
  - Unitrac Railroad Materials
  - W.J. Riegel Rail Solutions
  - Wheeler Lumber
- Contributing Members*
- A & K Materials, Inc.
  - Cattaraugus County IDA
  - Chenango County IDA
  - Cranemasters, Inc.
  - D.A. Collins Companies
  - Delaware & Ulster Railroad
  - Greenman-Pedersen, Inc.
  - Hardesty & Hanover, LLP
  - Kal Krishnan Consulting
  - Koppers Inc.
  - Lincoln Transportation Insurance Brokers
  - Modjeski & Masters, Inc.
  - Nisus Corp.
  - Nordoo Inc.
  - RailComm, LLC
  - Railroad Construction Co. Inc.
  - Rhinshart Railroad Construction, Inc.
  - Rusco Group Inc.
  - Saratoga Railroad Engineering
  - Sherwood Lumber Corporation
  - Star Headlight & Lantern Co. Inc.

The U.S. Environmental Protection Agency (EPA) has thoroughly studied creosote over the years and has found it to be safe to use in railroad applications. EPA rules state that products such as creosote must be supported with a complete scientific analysis and show that they can be used without causing unreasonable adverse effects to human health or the environment before being approved for usage. Creosote has undergone rigorous scientific examination through the EPA's process and is an approved and registered product that is necessary for the continued safe operation of trains over the NYS rail network.

For these reasons, we respectfully request your opposition to this legislation.