



Surface Transportation Reauthorization Principles

March 2021

Building on Success of the INVEST in America Act: *Rail Passengers* worked closely with members of the House Committee on Transportation and Infrastructure on the rail title of the INVEST in America Act, and we look forward to the reintroduction of those policies in the 117th Congress. H.R. 2 included key provisions and Amtrak reforms that should be carried over, including, but not limited to: revisions to Amtrak's findings, mission, and goals; improvements to the makeup of Amtrak's board of directors; Amtrak preference enforcement; revisions to improve Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier; prohibition on mandatory arbitration; significant food and beverage reform; and labor protections.

National Network Equity

Recognize Importance of National Network to U.S. Transportation and Rural America: As part of the Fiscal Year 2021 omnibus, Congress passed language describing the importance of the National Network to rural Americans and the U.S. transportation network: "It is the sense of Congress that 1) long-distance passenger rail routes provide much-needed transportation access for 4,700,000 riders in 325 communities in 40 States and are particularly important in rural areas; and 2) long-distance passenger rail routes and services should be sustained to ensure connectivity throughout the National Network." *Rail Passengers* believes this language should be included—along with additional language recognizing the importance of on-time performance to the long-term viability of the National Network—as a guiding principle for passenger rail investment in the surface transportation authorizing law, requiring Amtrak to provide train frequencies not less than what is currently being offered to all existing Amtrak-served communities.

Amtrak Board Representation: We believe America's passengers would be better served if the Amtrak Board of Directors better reflected Amtrak's passengers and employees and attempted to balance regional representation. *Rail Passengers* is asking for designated board seats for stakeholders, including National Network, rural communities, labor, and passengers.

Passenger Rail Funding

Passenger Rail Trust Fund: *Rail Passengers* reiterates its call for an Intercity Passenger Rail Trust Fund (IPRTF) to provide predictable, dedicated funding for passenger rail. With advance appropriations for passenger rail grants, Amtrak and states can better plan capital expenditures and manage infrastructure projects. The IPRTF should be used to fund Amtrak's Northeast Corridor and National Network Accounts, as well as formula-based distribution of funds to states for planning and capital renewal payments to host railroads.

Increased Funding Levels for the Passenger Rail Account: *Rail Passengers* is calling for a significant increase in passenger rail investment to address decades of stagnant funding. Members of Congress have introduced several strong proposals—including the Moving America Forward Act's PRIME Grants, the American High Speed Rail Act, the BRAIN TRAIN Act, and the Invest in American Railroads Act. We see these proposals as complementary, providing a varied set of strategies to address a range of challenges: state of good repair, adding frequencies and capacity expansion, service restoration and new corridor development. We encourage authorizers to take an "all of the above" approach to passenger rail financing.

Equipment: *Rail Passengers* is asking Congress to work with States and Amtrak to establish a stable funding mechanism to support critical investments that will meet public demand for reliable, energy-efficient equipment with modern

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amenities and flexible deployment capabilities, in quantities to support both present service levels and growth and expansion.

Oversight and Reform

Transparency in Pricing for State-Supported Services: *Rail Passengers* is calling for increased transparency in the cost allocation methodology Amtrak uses to charge states for corridor service, and a shift from the use of fully allocated costs to direct route costs, in addition to a proportional share of costs that benefit more than one route, to reasonably reflect relative use. The updated costing methodology should establish a clear relationship between service-level decisions and state contributions into the system and incentivize ridership growth and increased efficiencies to improve financial performance.

Intercity Passenger Rail Commissions: Our organization is joining with Transportation for America supporting creation of multiple interstate passenger rail commissions (IPRC). An IPRC would consist of two or more states for the established purpose of promoting, developing, and operating intercity passenger rail service over a long-term period.

Track Access Improvements

On-Time Performance and Fairness for Passengers: Given the dramatic rise in host railroad interference and passenger delays, *Rail Passengers* is asking Congress to grant preference enforcement. This would give Amtrak the ability to bring an action in U.S. District Court when its statutory right of preference is violated, protecting American passengers' right to be on time by ensuring they aren't stranded illegally for hours behind slow-moving freight trains.

Right of Way Acquisition: Congress should create a federal grant program to allow states and municipalities to buy abandoned and underutilized freight rail corridors. As a critical companion to ROW Acquisition Grants, Congress should authorize states, railroads, and all relevant operating authorities to engage in the advance acquisition of railroad ROWs, similar to what is currently allowed for the advance acquisition for highway and public transit projects.

Congress should also amend the authorizing language for FTA Fixed Guideway Capital Investment Grants so that non-federal expenditures for acquiring property, prior to the award of a grant, can be included in the non-federal share of total project costs. This will enable Amtrak to make advance acquisitions of property on necessary projects, lowering costs and speeding delivery.

Shared-Use Corridor Advisory Committee: To facilitate new passenger service on freight-owned infrastructure, *Rail Passengers* is calling for Congress to charter a Shared-Use Corridor Advisory Committee (S-CAC). This committee will develop new regulatory standards, through a collaborative process with all segments of the rail community working together to fashion mutually satisfactory solutions on shared use operations. The Committee shall seek agreement on the facts and data underlying any real or perceived shared-used operations problems; rationalize access fees to facilitate track access and incentivize on-time performance; identify cost effective solutions based on the agreed-upon facts; and identify regulatory options where necessary to implement those solutions.

Central Dispatching Authorities: The fluidity of the national rail system is too important to sacrifice for small gains by private firms. Railroad leadership has admitted as much: in a hearing before the Surface Transportation Board regarding poor on-time performance by CSX, then-CEO Hunter Harrison suggested a central dispatching authority could solve Chicago's congestion issues. There is precedent and a relevant model in federal law—the Federal Aviation Administration's provision of air traffic control services to private-sector operators, i.e., the airlines.

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