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Statement for the Record

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United States House Transportation & Infrastructure Subcommittee on Railroads, Pipelines, and
Hazardous Materials

Leveraging IJJA: Plans for Expanding Intercity Passenger Rail
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Rail Passengers Association would like to open by thanking Chairman Payne, Ranking Member Crawford, and Members of this subcommittee for convening this important hearing today. America's passengers are immensely grateful to this committee for the crucial role it played in passing the bipartisan Infrastructure Investment and Jobs Act (IIJA)—and particularly the role it played in shaping the IIJA's Passenger Rail Expansion and Rail Safety Act of 2021. *Rail Passengers* is particularly appreciative for the ambition displayed in the IIJA. Rather than simply bringing existing Amtrak assets into a state-of-good-repair and enhancing service on the Northeast Corridor, the IIJA provides states with the predictable funding and policy tools they need to add additional frequencies and lay the foundation for dozens of new passenger rail corridors across the U.S.

Simultaneously, there is no doubt that the historic funding for passenger rail in the IIJA places an unprecedented burden onto the U.S. Department of Transportation (USDOT), the Federal Railroad Administration (FRA) and Amtrak. With this fact in mind, we are doubly appreciative of the subcommittee's quick action in providing a venue for states, rail commissions, regional agencies, and Amtrak to share their perspectives on near-term opportunities and challenges

Rail Passengers believes there are several key steps that you can take in the coming year to ensure a successful launch for the rail programs included in the bipartisan infrastructure law:

Fully fund rail programs at the levels authorized in the Surface Transportation Investment Act (STIA) for Fiscal Year 2022. In addition to providing critical funding for Amtrak operations, FY22 funds will allow the FRA to expand its workforce and reorganize operations to effectively respond to dozens of new deadlines, studies, and grant programs contained in the IIJA. The current Continuing Resolution (CR), and the associated spending freeze, places an unnecessary burden on the USDOT. With the CR set to run through February 28, 2022, and the first major tranche of deadlines set for May 2022, depriving the USDOT of funding risks delaying these programs right out of the gate and setting the stage for waste and failure.

Additionally, funding passenger rail programs at the levels authorized in STIA will underline the broad political commitment that led to passage of the bipartisan infrastructure law and establish an important precedent going forward. With fully a third of the IIJA's rail funding contained within STIA's authorizing language, the action taken by appropriators in the next few months could well

mean the difference between simply bringing existing passenger rail assets into a state of good repair and truly expanding and transforming the U.S. rail network.

Ensure Amtrak continues forward on the path to restoring service to pre-pandemic levels.

Faced with labor shortages and a January 2022 deadline to meet the Biden Administration’s vaccine mandate for federal contractors, Amtrak has warned that it may be forced to make cuts to services—particularly service on the long-distance routes, where the small pool of locomotive engineers means there is little redundancy.

In 2020, *Rail Passengers* warned Amtrak, the Federal Railroad Administration, and members of Congress that the railroad was making a mistake with decisions to furlough employees and temporarily mothball rolling stock, cautioning that dismantling the people and equipment needed to recover to normal service levels would be a real problem when it was time to resume operation.

With that being said, we do wish to recognize the concrete steps Amtrak has taken to avoid any disruptions to service. This includes extending the deadline for vaccinations to Jan. 4, giving the company time to educate workers on the vaccination process and preventing disruptions during the critical holiday travel period. As of the last public communication, Amtrak stated that 94 percent of employees that it expects to be available for service in December had gotten at least one vaccine shot.

Regardless of how we arrived at this point, an extended disruption of Amtrak service on corridors affecting hundreds of communities, mere weeks after the passage of the IIJA, would surely undermine public confidence in these promising new passenger rail programs. We hope Amtrak will be able to avoid any disruptions to service. If cuts do take place, Congress must leverage its oversight powers and the FY22 appropriations bill to ensure that any such disruptions are brief.

Actively engage with freight railroads to ensure that host railroads are constructive partners in dispatching Amtrak trains, adding additional frequencies, and developing new corridors.

It is self-evident that the success of the IIJA outside of the Northeast Corridor (NEC)—that is to say, whether it will result in meaningful expansion of the number of Americans who ride passenger trains every year—hinges on the ability of the federal government, states, Amtrak, and regional rail authorities to collaborate successfully with the owners of existing rail rights of way.

Rail Passengers is encouraged by the experiences of rail entities like the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency, which has utilized coordinated cap-ex planning, service enhancement agreements, and collaborative structures such as the LOSSAN Working Group to forge a productive and sustainable partnership. We encourage the FRA, states, Amtrak and other Class Is to look to this partnership as a model. It is important that transportation officials identify the requisite characteristics of a mutually beneficial relationship between passenger rail carriers and host railroads—e.g., minimum levels of passenger train service, freight throughput, existing infrastructure, political engagement, etc.—to understand where this partnership can be readily replicated and where that replication will be more difficult.

However, *Rail Passengers* remains concerned about the unreasonably high levels of freight train interference affecting Amtrak passengers. Too many of Amtrak’s State-supported routes have On-Time Performance (OTP) hovering at 70 percent, with OTP for routes like the *Cascades* and *Pennsylvanian* at 64 percent and 68 percent, respectively. Long-distance passengers have it worse, with trains on-time only 51 percent of the time. Poor service from many host railroads has caused chronic and excessive delays for millions of riders who rely on the Amtrak system, and they threaten the long-term viability of the service in dozens of states. America’s passengers are asking Congress to hold host railroads accountable for freight train interference, and we ask that this subcommittee works with the FRA to ensure the Metrics and Minimum Standards for Intercity Passenger Rail Service enacted last year are used vigorously to protect the rights of passengers to on-time trains.

Rail Passengers has also been actively taking part in the dispute between Amtrak and CSX Transportation and Norfolk Southern Railway that is currently being mediated by the Surface Transportation Board (STB). Our organization filed a letter in May 2021 in support of Amtrak’s petition for an interim order compelling CSX and Norfolk Southern to permit Amtrak timely and sufficient access to facilities and data to move forward with the preparations needed to restore passenger rail service between New Orleans, LA and Mobile, AL in early 2022 (the STB recently ordered CSX to let Amtrak survey its Choctaw Yard in Mobile, so that Amtrak may determine the feasibility of rebuilding the West Stub Track, previously used to layover passenger trains, until the planned Mobile station is completed). We believe that the overriding principle in this instance is Amtrak’s legal right to access freight railroad tracks for a fair and reasonable cost. CSX has said

it will take \$2 billion to accommodate a single train every 12 hours; that is not reasonable, and it is not fair.

There is a larger concern at play, centered on the potential precedent this behavior sets for future passenger rail expansion elsewhere in the U.S. If a freight railroad can operate in bad faith to draw out the process to restore passenger train service along a single corridor for longer than a decade, as has happened with the Gulf Coast, there is little hope for new passenger rail projects anywhere in the U.S.

We encourage Congress to engage with host railroads and the STB to ensure that congressional intent in the IJA is not being thwarted by obstructionist tactics.

Focus funding on projects capable of producing near-term benefits. With only a five-year window to demonstrate that these new passenger rail programs can produce tangible benefits for America's travelers, the first rounds of funding must flow to projects capable of breaking ground and launching additional frequencies and services in a meaningful timeframe. There are several projects of national and regional significance which our supporters have long advocated, including replacement of Amtrak's Superliner and Amfleet II fleets, the Hudson Tunnel Project, Gulf Coast Rail Restoration, the Long Bridge Project, the B&P Tunnel Project, a second daily frequency between MSP – CHI, and the South Bay Connect Project, to name just a few. *Rail Passengers* is ready and eager to help Amtrak in whatever capacity we can to quickly advance these projects.

Engage with the USDOT and Amtrak to ensure deadlines are met for developing project pipelines and working groups. The IJA establishes several key deadlines that will be critical for ensuring the first tranche of funding is put to work in building better infrastructure. These include:

- *Corridor Identification and Development Program - § 25101 (Deadline: May 14, 2022):* USDOT to establish a program to determine the level of readiness for Federal financial assistance of intercity passenger rail corridors and the creation of a pipeline of projects. In the wake of the passage of the IJA, there has been public confusion over what kinds of rail projects will be funded, and where. The Corridor Identification and Development Program will provide an important venue for stakeholders to communicate goals and establish shared priorities.

- *Direct Grants to Amtrak (Deadline: May 14, 2022)*: USDOT to transmit a detailed spend plan, including a list of project locations, to Congress for projects Amtrak will undertake on the NEC and the National Network utilizing FY22 IIJA funds.
- *Amtrak Food and Beverage Service Working Group (Deadline: May 14, 2022)*: Amtrak shall establish a working group consisting of individuals representing Amtrak, labor organizations, nonprofit organizations representing Amtrak passengers, and State-supported routes. Having played an integral role in the now-defunct Amtrak Customer Advisory Committee, *Rail Passengers* is well positioned to ensure the average Amtrak passenger has a voice in the work of improving the onboard experience, and we look forward to engaging with our fellow stakeholders on this issue.

Our Association appreciates this subcommittee’s work on behalf of America’s passengers, as well as the work of committee staff. Our staff and our supporters stand ready to work with Members of Congress to make sure the IIJA sparks a revolution in safe, energy-efficient, and convenient intercity transportation in the U.S.

Finally, we’d be remiss if we didn’t take this opportunity to recognize Chairman DeFazio for his many decades of fighting for Amtrak passengers and a national passenger rail network that connects *all* Americans. We look forward to working with the Chair for the remainder of his tenure in Congress to ensure that America’s passengers see the benefits of this historic bill.

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