



BEFORE THE FEDERAL RAILROAD ADMINISTRATION

**DOCKET NO. FRA—2010—0020
NATIONAL RAIL PLAN**

COMMENTS OF THE ONERAIL COALITION

The OneRail Coalition is pleased to submit these comments to the Federal Railroad Administration on the development of the National Rail Plan (“NRP” or “Plan”). Formed in January 2009, OneRail for the first time brings together diverse organizations representing major rail stakeholders to encourage public policies recognizing rail as a critical element of the national transportation system and an essential part of the future economic growth and environmental well-being of the Nation.¹ OneRail’s guiding principles are appended as Attachment I.

Members of OneRail appreciated the opportunity to participate in FRA’s extensive National Rail Plan outreach and focus group process and a number of OneRail organizations have filed or will file their own, more specific comments offering further input and detail. OneRail has carefully considered the questions raised in FRA’s request for comments, 75 Fed. Reg. 17203 (Apr. 5, 2010), and while OneRail has not addressed every issue in FRA’s notice, the views expressed here reflect the consensus position of all OneRail Members.

¹ OneRail Members include: American Public Transportation Association, American Short Line and Regional Railroad Association, Amtrak, Association of American Railroads, Brotherhood of Railroad Signalmen, National Association of Railroad Passengers, National Railroad Construction and Maintenance Association, Natural Resources Defense Council, Railway Supply Institute, States for Passenger Rail Coalition, Surface Transportation Policy Partnership, Transportation Communications Union and United Transportation Union. Alstom is an Associate Supporter. For further information see <http://oneraill.org>.

I. National Rail Plan Goals

OneRail urges the FRA to incorporate the National Rail Plan into a comprehensive national energy, environmental and transportation policy that can assist in achieving many of our Nation's goals. **Policies associated with a National Rail Plan should increase investment in energy efficient transportation, facilitate improved passenger and freight rail mobility, enhance energy conservation and emissions reduction, create American jobs, boost U.S. competitiveness in the global economy, foster livable communities and improve safety.**

A National Rail Plan should:

- Define a compelling vision for an expanded U.S. passenger and freight rail network by adopting specific goals and performance outcomes linked to the Plan and overall national policies.
- Improve the efficiency of the nation's transportation system by supporting investment in rail as an alternative to congested highway and aviation systems and to achieve the beneficial outcomes outlined above.
- Include illustrative maps with associated federal/state resource commitments over time to "build out" segments of the national high-speed and intercity passenger rail (HSIPR) network.

The National Rail Plan should include other specific goals, such as increasing the proportion of freight transportation carried by rail by a specific percentage over time, and similarly that commuter/intercity passenger rail usage should increase by a defined amount over the same period.

The National Rail Plan should state that public funds, invested in private freight rail infrastructure to achieve enhanced high-speed and intercity passenger rail service, achieve a clear public benefit. Public funds similarly invested in the freight rail network to improve freight mobility also have public benefits. In evaluating and measuring these public benefits, OneRail believes that the metrics must go beyond system performance, and embrace comprehensive societal impacts that directly benefit from rail investment such as energy efficiency, air quality improvements, system sustainability, job creation, economic development and accessibility for rural areas, and other public benefits.

OneRail urges FRA to consider the broader transportation public benefits analysis included in the Department's recent Interim Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments ("TIGER II"), 75 Fed. Reg. 21695 (Apr. 26, 2010).

In summary, the National Rail Plan should promote the evaluation of rail passenger and freight investments in ways that measure fairly against equivalent investments in other modes, including consideration of long-term societal impacts such as continued

dependence on foreign oil, reduced carbon emissions, congestion mitigation, and increased safety. Adopting such a broader approach to transportation system development and investment will ensure a more robust linkage of the National Rail Plan to important national policy goals.

II. Context and Approach

OneRail urges FRA to provide context for the National Rail Plan by examining the historic role of public policy and investment decisions in shaping the present-day U.S. rail system. OneRail notes that:

- Decision makers have historically been unsuccessful in delivering consistent and committed policies and funding that invest in intercity passenger rail.
- Our short line and regional railroads have been and remain under capitalized.
- While our Nation's existing transportation network experienced robust development and expansion over the last 50 years, substantial transportation funding and related policy emphasis has focused on the highway-based transportation system rather than rail.
- The historic role of public policy and investment decisions to maintain private sector ownership and investment in freight rail networks have added positive value to the U.S. rail network and the national economy.

III. Scope and Issues

OneRail has identified at least seven emphasis areas that the National Rail Plan should address. These issues track topics that FRA has identified for consideration and include:

- Multimodal Policy Integration/Public Investment and Incentives.
- Regulatory Approach.
- National-State-Regional-Local Planning.
- Passenger and Freight Rail Partnerships.
- Domestic Manufacturing Capacity.
- Rail Planning Leadership and Workforce Development.
- Research and Development.

OneRail's comments address each of these issue areas specifically.

A. Multimodal Policy Integration/Public Investment Incentives

OneRail urges that FRA strongly emphasize modal equity and integration of rail in federal transportation programs as the National Rail Plan is developed. Specifically, the National Rail Plan should:

- Establish a framework for the inclusion of rail (intercity passenger and freight rail, short line and commuter rail) in a multimodal analysis when assessing the need for new transportation capacity aimed at congestion mitigation and mobility improvement.
- Ensure expanded multimodal eligibility by including intercity and regional passenger and freight rail infrastructure projects as eligible expenditures to the degree that new revenues outside existing Highway Trust Fund user payments are utilized to fund the federal surface transportation program.
- Establish policies to provide continued dedicated funding for commuter rail and new dedicated funding sources for HSIPR including Amtrak's national network. The National Rail Plan should emphasize the need for long-term HSIPR funding that includes annual allocations to states and eligible authorities.
- Include policies that provide for matching funds and incentives for passenger and freight rail expansion.

The strong interest in the American Recovery and Reinvestment Act ("ARRA") transportation investment programs, including high-speed and intercity passenger rail and TIGER, suggests the potential for additional competitive grant initiatives as the Administration has proposed in its FY 2011 Appropriations request for \$4 billion for the National Infrastructure Innovation and Finance Fund. Infrastructure tax credits can also play a major role in spurring additional rail investment.

The National Rail Plan should establish a public benefits framework to measure and validate the public benefits of taxpayer investment in rail. As previously noted, OneRail has developed a list of areas for which the Coalition believes there is public benefit to be gained from rail. See Attachment II outlining potential areas for further examination, including energy savings, environmental mitigation, land use enhancement, congestion reduction, economic competitiveness, job creation, economic development and accessibility for rural areas. Also as indicated the recent notice of funding availability for TIGER II offers an excellent foundation for harmonizing the National Rail Plan with broader national policy goals.

B. Regulatory Approach

The National Rail Plan must envision an appropriate regulatory framework addressing safety and security, economic, and energy and environmental issues as core elements.

1. **Safety and Security**

Safety and security are and must remain the foremost priorities. OneRail believes that common sense and performance-based regulations should be established where feasible and appropriate and that a flexible approach to new rail safety technologies is essential. Cost-benefit analyses must be rigorous and comprehensive. OneRail urges that the National Rail Plan specifically:

- Recognize the impact of required positive train control (“PTC”) implementation on other rail capital investments in capacity, safety, maintenance and green technology.
- Identify potential public investment options commensurate with public benefits accruing from PTC deployment on freight and passenger railroads.
- Continue to emphasize and incentivize closure of highway-rail grade crossings where feasible and installation of safety enhancements where closures cannot be achieved.
- Consider carefully any new approaches to passenger equipment safety standards, ensuring the highest degree of safety while facilitating innovative service and vehicles.
- Assure that any new rail operators under FRA jurisdiction are considered railroads subject to rail safety laws.

2. **Economic Regulatory Framework**

The National Rail Plan should foster economic growth and U.S. job creation by supporting economic regulatory policies that promote continued robust private investment in rail and enable railroads to attract and serve the broadest range of freight customers, as well as intercity and commuter passengers.

OneRail affirms, consistent with 49 *USC* 24405 as enacted pursuant to Section 301 of the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”), that all new high-speed and intercity passenger rail carriers must be considered railroads and subject to railroad laws.

3. **Energy and Environment—Rail as a Solution**

The National Rail Plan should recognize that rail can play a vital role in meeting energy and environmental policies and objectives. As OneRail has recently stated, clean transportation solutions are an essential part of a comprehensive strategy to reduce greenhouse gas emissions. Accordingly, additional investments in clean transportation

infrastructure, including rail, would create jobs, cut transportation costs for consumers, and help meet our energy and climate goals.

Additionally, the National Rail Plan should examine how the FRA can update and improve existing environmental guidance and approval processes applicable to public rail project investments, meeting environmental goals while also expediting project delivery. This should be undertaken with other modal administrations, particularly FHWA and FTA.

C. National-State-Regional-Local Planning

The National Rail Plan must consider rail developments on national, state, regional and local levels in order to establish a highly connected, comprehensive and functional rail system.

1. National Planning Framework

Establishing a national framework for transportation investment is a critical element of the NRP. A national framework must define federal purpose and desired outcomes for rail in the context of the overall multimodal transportation network and should serve as a precursor to legislation authorizing surface transportation programs. State and regional plans and programs (STIP) must be linked to national goals and outcomes. Multi-state, multimodal corridor planning and comparative analysis of multiple modes should be used when determining how to provide adequate new transportation capacity for national and regional mobility.

2. State and Regional Long Range Planning

The NRP should require that state rail plans be integrated into long range transportation plans and goals, as well as into state congestion mitigation and mobility programs. Similarly, rail should be considered as a component of state climate action plans. The NRP should identify key national and intercity passenger and freight corridors. To assist regional planning, FRA should emphasize public-private rail stakeholder involvement. Principles for local land use agencies should also be established to protect rail facilities from encroachment and to preserve rail corridors and land for intermodal and other facilities. We also suggest that FRA identify necessary tools and modeling techniques to enable state rail plans to reflect and reinforce progress on broader national goals such as energy efficiency and reduced greenhouse gases, in addition to enhancing transportation capacity.

3. Project Level

A national rail framework must finally consider how to incorporate, utilize and involve local government and rail stakeholders in planning and project development activities/decisions. The NRP should examine the advantages that a single NEPA process for *all* transportation capacity investments could have, including categorical

exclusions for minimal environmental impact as well as full environmental impact statements.

D. Passenger and Freight Rail Partnerships

OneRail supports the framework established in the Passenger Rail Investment and Improvement Act of 2008 that States, eligible authorities including multi-state institutions, and Amtrak should, with federal funding support, implement high-speed rail services.

OneRail urges that FRA clearly identify issues and elements involved in assuring successful public sector, intercity passenger/commuter rail and freight rail partnerships. The NRP should encourage partnerships which support and protect the interests of states, commuter agencies, railroad owners, operators and passengers. A comprehensive rail plan should also lay out a clear process for federal, state and local officials to identify viable passenger rail options in various corridors and emphasize positive lessons for broader application.

Question 2 in FRA's request for comments asks how passenger and freight interests can be balanced so as not to impede freight traffic. This is an appropriate inquiry because a national vision of our freight and passenger rail network must ensure that freight and passenger operations have the capacity to provide the rail service necessary to support mobility and other national goals.

Accordingly, delivering successful new HSIPR corridor services will require not only significant capital investment, but a new level of analysis and consistent communication among and between freight railroads, passenger operators, public officials at all levels of government, and other stakeholders. How these issues are or are not resolved on a corridor by corridor basis will significantly shape the course of continued public investment in rail and the willingness of various stakeholders to participate. OneRail recognizes the magnitude of this dialogue, and hopes to provide further constructive input as these discussions proceed.

The National Rail Plan should recognize the various considerations involving shared use of rail tracks and/or right of way by both Amtrak and other potential operators with host freight owners. Safety, capacity and other issues including compensation, liability and insurance must all be addressed in any shared use situation. OneRail believes that the National Rail Plan should consider how to decrease the cost and maximize the availability of insurance for new high-speed and intercity passenger rail initiatives.

The National Rail Plan should also emphasize the potential of regional rail corridors in advancing both freight and passenger mobility goals. Many states and local/regional authorities have purchased rail lines and these infrastructure investments can be key economic engines and job generators.

To promote effective partnerships, as noted previously consistent with PRIIA any new

intercity passenger carriers and operators must be considered railroads and subject to railroad laws.

Finally, the NRP should articulate Amtrak's role within the context of the National Rail Plan as an essential element of our national transportation system.

E. Domestic Manufacturing Capacity

The National Rail Plan should emphasize the importance of increasing domestic manufacturing capacity to create more American jobs and spur economic growth. The NRP should include provisions that support development of a renewed passenger rail equipment manufacturing industry through a vision for sustained equipment purchases and equipment life-cycle policies that avoid "boom or bust" periods for industries. Successful implementation of the PRIIA Sec. 305 equipment pool initiative will be essential to realizing scale economies.

The NRP should additionally focus on revitalizing domestic freight rail car production and how best to promote other domestic rail infrastructure suppliers (including maintenance of way, signal and train control). The NRP must also address the importance of effectively administering existing Amtrak and PRIIA Buy America provisions that recognize a long-term commitment to strengthening the U.S. passenger railcar production industry.

F. Rail Planning Leadership and Workforce Development

The National Rail Plan should address how best to improve the institutional capacity of key agencies and organizations charged with planning and coordinating the growth of freight, intercity passenger and high-speed rail corridors. The NRP should also highlight the importance of fostering new partnerships by government, industry and academia (including vocational institutions) to develop and promote curricula on rail operations, maintenance, manufacturing and planning.

G. Research and Development

The National Rail Plan must identify clear goals for FRA's new high-speed rail R&D program and align existing rail R&D programs with new priorities. OneRail urges FRA, in considering R&D issues in the National Rail Plan, to:

- Continue the current emphasis on safety.
- Define and prioritize near-term needs focused on high- and higher-speed rail research and development.
- Evaluate how new information technology applications can improve safety and system performance.

- Promote energy saving and environmental initiatives in closer coordination with the Department of Energy, EPA and the private sector in technologies such as clean locomotives to maximize fuel/carbon efficiencies.
- Review rail capacity issues and promote enhanced modeling of critical concerns such as impact of shared/separated freight and passenger operations in corridor rights of way.

IV. Conclusion

OneRail urges that FRA establish milestones for completing objectives identified in the National Rail Plan. FRA should include five, ten and twenty year milestones – including measures such as the percent of the population with access to intercity passenger rail service, growth in rail freight traffic share, capture of identified public benefits, and other outcomes.

OneRail appreciates the efforts of FRA and the Department in developing and establishing the National Rail Plan. We look forward to assisting in building this essential framework and ensuring its success.

Thank you for the opportunity to comment.



Anne P. Canby
 President
 Surface Transportation Policy Partnership
 on behalf of the OneRail Coalition

May 5, 2010



OneRail

America's future is riding on it.



Railroads are a critical element of our national transportation system. Public policy must expand passenger train options, critical freight rail network capacity, and intermodal connectivity in our national transportation system. A **OneRail policy supporting both freight and passenger rail objectives is needed to maximize transportation options** that enhance mobility, achieve energy efficiency, address climate change, boost economic growth and improve quality of life for all Americans.

The 2008 National Surface Transportation Policy and Revenue Study Commission report found that our nation must **increase railroad infrastructure investment** to ensure our continued mobility, economic competitiveness, and job creation in the United States to meet the energy and climate challenges of the 21st century. In addition, the American Association of State Highway and Transportation Officials (AASHTO), through a series of studies, has shown that private investment alone will fall short of the levels necessary to invest in freight and passenger rail network capacity to meet needed public policy goals.

A **OneRail policy** recognizes and recommends the following:

The **nation's passenger train network must be strengthened and expanded**. Expanding intercity and commuter passenger train options for travel between and into the nation's urban centers would substantially reduce vehicle miles traveled, aviation and highway congestion, fuel consumption and related greenhouse gas emissions.

A **sound and balanced transportation policy should encourage the development of passenger train options for the public**, addressing a critical missing link in our nation's surface transportation system. Investments must ensure safety, achieve reasonable service levels, provide enough capacity to protect the operations and future growth of both rail freight and passenger service, and address liability concerns. Going forward, capacity will be a critical factor shaping the freight rail-passenger rail interface. Access to freight infrastructure and rights of way for new passenger service should be achieved on a cooperative, voluntary basis, without infringing on Amtrak's existing rights. To ensure that both freight and passenger service is maximized in high-density corridors, public policy should also envision separate rights of way for freight and passenger operations where separation is warranted.

OneRail **supports state efforts to seek an ongoing, dedicated funding source for intercity passenger rail expansion**, including a federal-state partnership and cost sharing agreements similar to the partnerships that built the nation's federal-aid highways and transit systems. Rail freight capacity must expand to meet projected economic demand and increase the railroad industry's current traffic share. Private investment in the nation's freight rail network has been, and will remain, the primary means of maintaining and expanding freight rail infrastructure.

To ensure that freight rail capacity meets growing demand, **Congress should enact policies and programs that expand public and private investment in rail freight mobility** and assure continued growth in private investment in rail freight capacity.

The **OneRail coalition supports additional investment in the nation's rail infrastructure to create American jobs**, de-congest chokepoints, put more freight and passengers on fuel-efficient trains, and reduce our nation's greenhouse gas emissions.

Illustrative Areas of Public Benefits from Public Investment in Rail Infrastructure

- **Safety**
 - Improved highway and rail safety.
 - Fewer accidents, fatalities, injuries.
 - Reduced public and private costs.

- **Environmental**
 - Reduced greenhouse gas emissions and other air pollutants.

- **Energy**
 - Lower fossil fuel use.

- **Improved Network Performance**
 - More efficient use of existing transportation infrastructure.
 - Improve the operating performance of existing system capacity.
 - Reduced highway and air congestion.
 - Greater reliability for highway, air, and rail travel.

- **Additional Travel Options**
 - Passenger train services to downtown areas provide connections to local transit and foster pedestrian-friendly, energy-efficient development.
 - Passenger trains can make intermediate stops to serve smaller cities with minimal impact on time and energy, while providing excellent service to areas with limited transportation alternatives.
 - Reduced damage to pavement and bridge infrastructure; longer pavement life and lower maintenance costs.
 - Network rationalization [across modes].

- Public investment can leverage private resources to add/improve passenger and/or rail freight service in lieu of additional investment in highway or air capacity.
 - Shift in mid-range passenger trips from air to rail.
 - Shift in long haul freight from truck to rail.
- Improved rail access to major traffic generators such as ports, airports, intermodal transportation facilities, and major freight distribution routes.
- **Economic**
 - New/improved access for industries to rail services.
 - Increased cost competitiveness/options.
 - Reduced public costs as a result of public-private cost sharing
- **Job Retention and Creation**
 - Rail investment adds good paying jobs in multiple sectors.
 - Spur private investment in station area redevelopment, development of intermodal rail yards, rail distribution centers, and other local/regional development.