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Rep. Sharon Negele, Indiana

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*Bringing Together
State Leaders from
Across the Region
to Advocate
for Passenger Rail
Improvements*

The Midwest Interstate
Passenger Rail Commission is
an eight-state interstate
compact commission that
promotes, coordinates and
supports regional
improvements to passenger
rail service. Our member
states include
Illinois, Indiana, Kansas,
Michigan, Minnesota,
Missouri, North Dakota and
Wisconsin.

To: Midwestern Members of Congress

From: Bob Guy, Chair; David M. Simon, Vice Chair; and Indiana Rep. Sharon Negele,
Financial Officer, Midwest Interstate Passenger Rail Commission

Re: Your Support for TRAIN Act within HR 2, with some additions

Date: June 29, 2020

Transmitted via Email

The Midwest Interstate Passenger Rail Commission (MIPRC) is a compact among Midwestern states to promote, coordinate and support passenger rail development in our region. **We are asking you to support passage of the provisions and authorizations for passenger rail development contained in the TRAIN Act (Division D–Rail) of HR 2, the Moving Forward Act, and also support a few important additions to the act.**

MIPRC applauds the House Transportation and Infrastructure Committee for developing the TRAIN Act, which will reauthorize most of the rail provisions contained in the Fixing America Act, while making important and significant improvements. The TRAIN Act contained in HR 2 contains the vast majority of what MIPRC has asked for in our surface transportation reauthorization positions (*please see attached for MIPRC reauthorization principles*).

The TRAIN Act makes **important improvements to the mission and goals of Amtrak**, focusing on intercity passenger rail’s public benefits and requiring that “Amtrak provide modern, cost-efficient, and energy-efficient intercity rail passenger transportation throughout the United States” (Title II). MIPRC agrees with this mission, in addition to changes that both stress the importance of intercity passenger rail within the nation’s transportation system and make clear the importance of long-distance passenger rail service within that system.

MIPRC also agrees with **giving Amtrak the right of private action** (Section 9204 of Title II), an important tool for Amtrak to address poor on-time performance caused by host railroads that ignore the law by refusing to give passenger rail service the priority to which it is statutorily entitled.

MIPRC thanks the House T&I Committee for continuing the tradition begun in the FAST Act of providing substantive grants for intercity passenger rail (IPR) development. IPR development has benefited strongly from the three grants included in the FAST Act: Consolidated Rail Infrastructure & Safety Improvements (CRISI), Federal-State Partnership for State of Good Repair (SOGR) and Restoration & Enhancement (R&E). Midwestern states have applied for and received awards in almost every cycle of these three grants during the life of the FAST Act, and we are very thankful to Congress for creating and authorizing funding for them within the current surface transportation reauthorization.

We strongly support the new grant created under the TRAIN Act, the **Passenger Rail Improvement, Modernization & Enhancement (PRIME)** program – which will fund passenger rail “capital projects that improve the state of good repair, operational performance, or growth of intercity rail passenger transportation” – as well as its authorization at \$3.8 billion per year and the provision that “The Secretary may withhold up to half a percent of the total amount made available to carry out this section to facilitate and provide guidance for regional planning processes.” We are also pleased that the TRAIN Act contained in HR 2 increases funding for the **Consolidated Rail Infrastructure & Safety Improvements (CRISI)** (Section 9103), to \$1.4 billion a year over the five years of the act.

Midwestern states alone currently have nearly 30 intercity passenger rail (IPR) projects totaling more than \$2 billion that are ready for funding now – all they need is the federal partnership that we depend on to do so. These projects will stimulate the COVID-19 recovery economy by creating jobs, improving freight rail lines upon which most of intercity passenger rail travels, increasing frequencies to meet long-determined needs for additional service, purchasing trainsets and initiating new service. *Please see attached our just-updated list of Midwestern states’ IPR projects ready for funding.*

We also are very pleased to see that the important work of the **State-Amtrak Intercity Passenger Rail Committee** is recognized in HR 2, by both reauthorizing and providing an appropriate level of funding for this needed collaboration to continue.

There are a few additions to the TRAIN Act that MIPRC believes would make that act even stronger. We ask Congress to consider including:

1. **Stronger Long-Distance Service Mandates.** Although the TRAIN Act clarifies language to stress the importance of long-distance service/the National Network and redefines Amtrak's mission from minimizing US government subsidies to using "its best business judgment in acting to maximize the benefits of public funding," MIPRC asks that this reauthorization make clear that new and expanded passenger rail service should continue providing rural communities the vital access to transportation that our nation's long-distance intercity passenger rail routes currently provide. We also ask that Congress study the future of the National Network and include MIPRC as a stakeholder, and mandate preservation of the current National Network while it is being studied.

MIPRC agrees with the level of funding for Amtrak set in the TRAIN Act. However, the COVID-19 pandemic has severely affected ridership on all modes of transportation. Amtrak has informed MIPRC that in order not to make planned cuts to long-distance service starting on Oct. 1, it would need to receive \$4 billion in federal funding for the National Network for FY 2021. Therefore, **we ask that the National Network be authorized and funded at \$4 billion for the first fiscal year of the TRAIN Act (FY 2021).**

2. **Clarify that States that Don't Operate IPR are not Railroads.** MIPRC continues to ask that Congress provide a simple clarification of current federal law 49 USC 20102(3) – which states in part that a "‘railroad carrier’ means a person providing railroad transportation...." – in the reauthorization bill. While the FRA has recently issued a final rule that somewhat clarifies that issue, it is not in law and is something that the FRA could seek to change at any time. The clarification we seek would be to include language such as this:

"A State, or a political subdivision of a State, that provides equipment, track, right-of-way, or financial support for intercity passenger service pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (division B of [Public Law 110-432](#); [49 U.S.C. 24101](#)), if such State or political subdivision does not directly operate such service, is excluded from the definition of ‘railroad’".

3. **Increase Funding for Restoration & Enhancement Grants.** We ask that the authorization level of the Restoration & Enhancement (R&E) grant be increased. The R&E grant can become an increasingly important tool for our states as they establish new service and increase frequencies. Wisconsin and Minnesota have recently been awarded a \$12.6 million R&E grant, only the 2nd set of awards for the R&E grant during the five years of the FAST Act. The Wisconsin DOT (on behalf of that state, Minnesota and Illinois) was awarded operating assistance funding to add a second passenger rail roundtrip train between the Twin Cities and Chicago. The "2nd Empire Builder," as it is called, is a project that both Minnesota and Wisconsin have worked on for several years and has enjoyed substantial support within both states and regionwide. The Midwestern states are planning a significant amount of new service within the next five years and authorizing the grant at just \$20 million per year will stunt this market-driven growth.
4. The **Next Generation Corridor Equipment Pool Committee** and **Operation Lifesaver** are two programs that should be reauthorized and funded within the overall surface transportation reauthorization legislation. We did not see reference to these important programs within HR 2.

On behalf of MIPRC, we thank you very much for your consideration of our requests regarding Division D–Rail of HR 2 as the surface transportation reauthorization moves forward. Please feel free to contact's MIPRC's director, Laura Kliewer (lkiewer@miprc.org or 630.282.3066), with any questions and/or if there is ever anything MIPRC can do for you.