

June 1, 2010

U.S. Department of Transportation  
Docket Operations  
1200 New Jersey Avenue, S.E.  
Room W12-140  
Washington, D.C. 20590

RE: Docket Number FRA-2010-0020

The American High Speed Rail Alliance, a national advocacy organization dedicated to identifying and implementing solutions that will produce sustainable high speed passenger rail service for America, offers the following comments in reference to the Federal Railroad Administration's request for comments on the National Rail Plan.

**1. What strategies are appropriate for funding freight transportation investments? What strategies are appropriate for funding passenger rail and high-speed passenger rail investments? How do we find sustainable sources of funding among Federal/State/Local/private sectors for passenger operations? How do we better assess the public benefits of railroad infrastructure improvements?**

Infrastructure investments in the American freight rail industry are largely financed by the private sector, unlike other privatized industries such as trucking, barging and the airlines. Recognizing the important public interest served by private freight railroads, Congress has enacted tax credits to incentivize short line freight railroad infrastructure investment, and is also considering similar legislation that would establish a new credit for Class 1 railroads and shippers. The Alliance supports continued public investment in private freight railroads through tax credits, provided the subsidies are used to increase capacity that will support improved passenger rail service.

Passenger rail and high-speed passenger rail investments may be financed through a combination of federal, state and local funding, public/private partnerships, government-backed bonds, tax credits, tax incentives, and private sector investments. Just as highways and airports receive large public subsidies to facilitate the transportation of people, a world-class passenger and high speed passenger rail system also requires robust federal support. In some corridors that can be competitive with air and highway travel, the revenue collected in the fare box will be able to cover operating and maintenance costs, but will not cover capital investment. For the most part, passenger rail and high-speed passenger rail investments will require a federal funding partner.

The Alliance believes that a dedicated funding source for high speed passenger rail will allow effective long-term planning and develop a predictable and sustainable market for high speed passenger rail services. The Alliance is a forum for sharing and advancing best practices for federal/ state/local/private financing partnerships and strategies. The Alliance is also fostering a dialogue between all stakeholders to determine ways of assessing the public benefits of railroad infrastructure improvements.

**2. When assessing opportunities and challenges for implementing passenger rail service on freight rail lines and rights-of-way, what are the issues and concerns of infrastructure access and liability (owner vs. user)? In shared use rights-of-way (freight and passenger use), what are the best examples of access agreements with freight railroads? How can rail corridor development for passenger service be balanced with freight railroad service requirements to assure that freight service will not be impeded?**

Currently Amtrak and many commuter rail services across the country operate on shared rails with liability indemnification and scheduling agreements in place. These are good models and should not require significant modification until such time as service justifies higher speeds.

In many corridors, the only feasible options for running higher speed passenger trains is to use the existing tracks owned by freight railroads. These agreements must continue to be negotiated on a case-by-case basis with the infrastructure owners, and their rights as property owners must be respected. Given that moving freight is their core business, track owners will rightly expect to be compensated at market rates for selling their capacity. Robust federal, state, and local funding sources must be developed to make these transactions feasible.

**3. What are the issues that should be considered with Governance, such as roles and responsibilities, including national leadership as well as those of State, and local governments? What is the proper framework for multi-State/regional agreements when corridors extend beyond the boundaries of a single State?**

National leadership should be established by the federal government with appropriate subordinate responsibilities delegated to the states. In cases of multi-state/regional arrangements, those arrangements should be negotiated between the jurisdictions with the concurrence of the federal government.

There already exist several effective examples of multi-jurisdictional arrangements in the transportation field. The New York/New Jersey Port Authority and the Washington Metropolitan Airports Authority are among those examples. The Midwest Regional Rail Initiative (MWRRI) is a cooperative, multi-agency effort that began in 1996 and involves nine Midwest states (Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin) as well as the Federal Railroad Administration. The Midwest Regional Rail System (MWRRS) Plan elements include:

- Use of 3,000 miles of existing rail r/w to connect rural and urban areas
- Operation of a hub and spoke passenger rail system
- Introduction of modern, high-speed trains operating at speeds up to 110 mph
- Provision of multi-modal connections to improve system access

The 11 states of the Northeast Corridor (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont) have launched an initiative to study possible enhancements to both intercity rail service, such as Amtrak's Acela Express, and local commuter rail systems that use portions of the Northeast Corridor track.

And Virginia, North Carolina, South Carolina and Georgia formed a rail planning coalition several years ago that serves as the forum through which the Southeast High Speed Rail Corridor is developing its plans and proposals.

These are good models for the department to review in moving forward with governance arrangements affecting multi-state/regional high speed rail development.

**4. What issues should be considered in network design and network development (corridors and connectivity)? What role should rail play? What modal issues arise -- cooperation vs. competition? What are the best approaches to assess system performance? Should national standards be considered?**

Operational standards, procurement standards, reliability and performance, ridership, financial sustainability, interoperability within and between corridors, and connectivity to other modes are the primary elements that should be considered in network design and network development. Since this is a national rail plan, rail and its relationship to other modes should be a central focus of this effort. Additionally, whatever measures or standards are developed should be uniform for all corridors and for all segments within given corridors so that both policy makers and other stakeholders are able to make judgments and evaluations based on comparable information collected in a transparent manner.

**5. Identify areas where transportation safety can continue to improve (include technological and operational changes)? What consideration should be given to equipment improvement? What are the issues in joint freight and passenger use of track/corridors?**

The Federal Railroad Administration has issued regulations requiring the implementation by 2015 of positive train control on rail lines where freight and passenger service share the track and/or where certain hazardous materials were being shipped in 2008.

The Alliance supports those who advocate for tax credit and other considerations to offset the cost of implementing this technology.

**6. What issues should be addressed to continue and advance the rail system to effectively meet defense, emergency, and security transportation requirements?**

There currently exist consultative and coordinating mechanisms between the Department of Transportation, the Department of Defense and other federal agencies charged with national and regional defense, emergency and security transportation matters. In light of recent events in Europe, in the Gulf Coast, and in the Middle East, it is increasingly clear that a reliable, low-emissions, low fossil fuel-dependent transportation alternative that can quickly move large amounts of material and personnel, like high speed rail, is in the nation's best interest.

The condition of the environment and the dependence of our nation on fossil fuels are matters of significant concern, especially as they relate to national security. Developing and maintaining a competitive alternative to automobile and air travel should be a national security priority.

High speed rail holds the promise of utilizing renewable and nuclear energy, thereby significantly reducing America's dependence of carbon-emitting fuels as an energy source for transportation. According to the California High Speed Rail Authority high speed rail will be able to move travelers and goods using one-fifth the energy per-mile than by auto, and one-third the amount required by air. According to the U.S. Department of Transportation, such savings will reduce CO2 emissions by six (6) billion tons annually.

**7. What are the land use issues that must be considered in making transportation infrastructure investments? How can rail promote livable communities?**

The Alliance supports the Livability initiative articulated by the Department of Housing and Urban Development, the Environmental Protection Agency, and the Department of Transportation. As a variant on the concept of transit oriented development, land use decisions and practices that maximize the linkages between transportation modes and encourage greener land use and energy practices are preferable.

Additionally, as has been seen in Japan and other nations, real estate in and around high speed rail stations can generate significant revenues that offset operating costs and revenue streams for passenger rail operations. Such redevelopment strategies should be incentivized to encourage their beneficial use. Similarly, redevelopment strategies should focus on ways to leverage land value and use to generate revenues and other income sources that may contribute to the development and operation of high speed rail systems.

Land use decisions should take into consideration the total integration of high speed rail with other transportation modes in order to maximize the benefits of all modes. In planning station development, accommodations should be given to ensure this integration.

**8. What opportunities does rail provide to improve energy use and the environment (include both technological and operational changes)?**

As noted in response to question 6 (above), high speed passenger rail can significantly reduce the use of fossil fuels and associated green-house gas emissions. The freight railroads widely publicize the impacts of newer, cleaner diesel locomotives. True high speed rail powered with electricity generated from nuclear and renewable energy sources could have virtually no carbon footprint.

**9. What are the opportunities and challenges for professional capacity building--passenger and freight? What are the challenges facing the nation in developing a labor force to meet the needs of a highly technical rail network considering implementation of high speed rail**

**and technological advances such as positive train control and electronically controlled pneumatic brakes?**

The United States has a substantial rail work force with over 300,000 persons directly employed by freight and passenger rail systems and many tens of thousands more in the supply and service community. However, with only a small number of higher speed passenger operations in the U.S., the number of workers with experience in high and higher speed rail environments is very limited, and is, in fact, almost nonexistent for operations over 150 miles per hour.

Many railroad crafts require significant education, formal testing and years of experience and apprenticeship. High speed rail typically operates at higher levels of precision and complexity than traditional rail and even personnel taken from the existing workforce may need substantial training to be transferred to these new systems. Needless to say, attempting to divert large numbers of employees from current positions would cause its own problems for the systems losing employees to the new technology as the current education and training pipeline can only replace personnel at a certain rate.

Crafts within the operating systems themselves are only part of the workforce. There is also a potentially significant contract service community that will support high speed rail in areas such as maintenance and construction. The supply base for specialized equipment and materials required for high speed rail is another critical aspect and includes items like ultra-high quality and high-tolerance rail and track components, maintenance machinery, traction power components and signaling and communications systems. The absence of any U.S. high speed rolling stock manufacturers is itself perhaps the most visible gap in U.S. industrial capacity and requires special consideration by policy makers. Development of a broad based operations, service and supply workforce to support significant expansion of higher speed passenger rail is a major concern that needs to be addressed immediately at the national level.

The network of US DOT-sponsored University Transportation Centers can play an important role – particularly at the strategic, management and R&D levels - as can the variety of other universities and vocational institutions currently supporting the rail industry. In many cases suppliers of goods and services have developed robust training programs that are relied upon by industry. Organized labor traditionally has played a major role in education and qualification of the rail workforce and is anticipated to do so as well for high speed rail. Methods to effectively harness the national educational network – elementary and secondary - as a feeder system to specialized rail education need to be considered. All of these parties should be considered holistically; there are many innovative ways these resources can be combined and coordinated to meet the challenge ahead. The U.S. DOT should solicit ideas for joint concepts and partnerships. Industry specific programming of federal and state tuition assistance and scholarship programs can also be a critical government tool to support workforce development.

The United States is in many respects far behind Asia and Europe in developing high speed rail systems and the associated industrial base. Methods to draw on the experience and expertise of other nations' established systems to support U.S. workforce development should be explored. Sponsored apprenticeships programs at foreign high speed rail systems for key U.S. technical and managerial personnel – or training performed by foreign experts brought to the U.S. - are

options worth considering. Finally, when overseas sources are the only source for certain high speed rail goods, aggressive requirements for technology transfer, high levels of local content and direct and substantial investment in local manufacturing capacity by foreign suppliers should be mandated to ensure rapid U.S. supply base workforce development in areas where the U.S. is presently weak.

**10. When making infrastructure investments, how can project delivery be expedited and costs controlled?**

The most important consideration in making infrastructure investments is a sustainable source of financing for those investments. Sustainable financing will ensure that both the cost of financing as well as the cost of contracts for material and labor can be negotiated for the maximum benefit.

Additionally, contracting methods such as Design, Build, Operate, and Maintain (DBOM), and CM-At-Risk share the responsibility for cost-effective delivery by providing significant incentives that benefit contractors while producing significant project cost savings.

Two of the major contributors to the cost of infrastructure projects and the time they require to complete are the various study and analysis procedures required under the National Environmental Policy Act (NEPA) and the department's own record of decision (ROD) review. There is a high level of duplication in these reviews that occur at different stages in the development of an infrastructure project. The department should look for ways to reduce this duplication of effort as well as ways to expedite the various review processes. Most states also have these same review requirements. Where states' standards exceed federal standards, the U.S. DOT may wish to defer to the states' more stringent standards for review.

The American High Speed Rail Alliance appreciates this opportunity to comment on the development of a National Rail Plan and looks forward to future participation in the development of this important initiative in support of American high speed rail.

Should you have questions or wish additional information, please do not hesitate to contact me at [epeterson@americanhsra.org](mailto:epeterson@americanhsra.org), or by phone at (202) 777-0456.

Eric C. Peterson  
President