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From: Conner, Rebecca <[rebecca.conner@amtrak.com](mailto:rebecca.conner@amtrak.com)>  
Sent: Tuesday, September 26, 2023 at 10:00:27 AM EDT  
Subject: Acknowledgement - 20-FOI-00149

09-26-23

This letter acknowledges the receipt of your FOIA request dated 05-23-20 requesting A copy of the Questions For the Record (QFR) and agency QFR responses to Congress responding to QFRs during calendar years 2017, 2018, 2019 and 2020 to date, for Amtrak and NRPC..

This request has been issued tracking number 20-FOI-00149. Please reference this number in all correspondence and communications with this office.

Please see attached.

Thank you,  
FOIA Officer

## A P P E N D I X

### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO RICHARD ANDERSON

*Question 1.* What is the long term status of dining car service? Please also provide a specific schedule for replacement and refurbishment of long distance equipment (diners, coaches, sleepers and locomotives).

Answer. Starting October 1, 2019, flexible contemporary dining will be offered on six single night long-distance routes; *The Capitol Limited*, *Cardinal*, *City of New Orleans*, *Crescent*, *Lake Shore Limited*, and *Silver Meteor* and we intend to reintroduce a dining car operating with this new service on our *Silver Star* later in the Fiscal Year. These meals will be hot ready-to-serve entrées and reflect our transition to a more flexible and modern dining environment on these trains. Additionally, we are further differentiating our Auto Train product by adding more Sleeper capacity and aligning our Coach product to match all other long-distance routes by no longer including complimentary dinner service for that fare class. Finally, Amtrak is considering modifications to our Viewliner II diners used on the single-night overnight long-distance trains which would allow these cars to function both as diners and cafes and/or to support cart service throughout the train. We plan to have a conceptual design in FY 2020 leading to the development of a working prototype.

FY 2020 plans for two-night trains are more modest. Current planning and design efforts are underway on an in-depth evaluation of our food and beverage service on these trains given their unique characteristics and needs of our passengers for FY 2021. In the meantime, our intent is to maintain the basic product and service delivery methods.

As for long-distance equipment refurbishment and replacement, we have ongoing work to refresh our existing fleet, complete the introduction of new equipment now being delivered to the company, monitor the manufacture of new Diesel Locomotives and undertake a number of design and prototyping efforts as we continue to experiment with product innovations and improvements. Our Amfleet II Coach Refresh project is estimated completion is December 2019, which will impact most long-distance trains in the East. The refresh of Superliner I/II Coaches, predominately used on our Western trains and similar in scope to the Amfleet program, is scheduled to kick-off in FY2020 and will be completed in approximately 12–18 months. Superliner I/II and Viewliner I Sleeper Refreshes are scheduled to kick-off in FY2020 and detailed schedules are still being refined.

Incremental work to improve customer experience in the Superliner Sightseer Lounges and the Diners continues and Amtrak is currently engaged with a design firm to provide conceptual designs for each of these cars in FY 2020. Designs are to provide a cohesive image and contemporary amenities aligning not only with industry but our vision of the network.

Finally, Amtrak is exploring the introduction of a new service class that fits between our current offerings of Coach and Sleeper on either the one-night, two-night trains or both, realizing there may be opportunities to reach more customers. In FY 2020, we plan to develop conceptual designs and perform further market research and analysis to determine if this is truly viable. Designs could include a semi-enclosed seat that reclines into a bed for those long journeys. We are working towards prototyping this in FY21.

*Question 2.* What is the status of Amtrak's regional marketing functions?

Answer. To support Amtrak's ridership and revenue goals, the Marketing team executes both national advertising campaigns that reach all markets that Amtrak serves as well as campaigns targeting specific geographies and audiences. Consistent with consumer trends, Amtrak advertising campaigns are approximately 90 percent digital and allows us to track bookings resulting from the advertising and the associated return on investment (ROI). Campaigns reflect a "total market" approach to ensure that images of people shown in ads are representative of the overall population. These "always on" continuous running campaigns leverage such tac-

tics as paid search, programmatic digital banner placements on hundreds of websites based on behavioral targeting, paid social media placements on Facebook, Instagram, YouTube and LinkedIn, terrestrial radio and streaming radio such as Pandora and Spotify. Amtrak's Marketing team also works closely with state-corridor route representatives to provide access to creative assets, facilitate participation in flash sale fare promotions and to assist them with the planning and execution of advertising and promotions at the local level.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO  
TO RICHARD ANDERSON

Amtrak provides valuable service to thousands of West Virginians every year. Amtrak operates two National Network trains in my state: the Capitol Limited that provides daily service and the Cardinal that runs three times a week.

There has been a growing concern that Amtrak has not been communicating with states before making decisions that impact rail service. That is why I was happy to get language in the FY 2018 Transportation, Housing, and Urban Development (THUD) Appropriations bill that mandated Amtrak to improve their communication efforts when it comes to these kinds of decisions.

*Question 1.* For the past 52 years, the Collis P. Huntington Railroad Historical Society has been running the annual New River Train excursion from Huntington, WV to Hinton, WV. However, for 2019 the country's last-surviving and longest mainline passenger excursion train was cancelled. I know that Amtrak has been working with the City of Hinton on a way to continue the New River Train, but there has been some confusion on whether a deal has been reached or not. Could you provide some clarity on Amtrak's discussions and see if a deal has been reached?

*Answer.* Amtrak was in regular contact with the entities involved with the New River Train over the past couple years, working hard to find resolution on a project we felt was mutually beneficial for Amtrak and the communities in West Virginia. We will continue to maintain regular and meaningful contact with our business partners. As I am sure you know at this time, we have reached a deal to operate this train, now called the Autumn Colors Express, in 2019. We remain hopeful that this will continue in future years.

*Question 2.* This July through August, the Summit Bechtel Family National Scout Reserve in Glen Jean, WV will host the 24th World Scout Jamboree. I understand that the Boy Scouts have been working with Amtrak on potentially allowing greater train access on the Cardinal line for the upcoming jamboree.

Does Amtrak work with organizations—like the Boy Scouts—in order to provide service in these unique cases? *Follow up.* When service on Amtrak's line is known in advance and for a temporary period—like for the Boy Scouts—what does Amtrak take into consideration?

*Answer.* Amtrak does review unique requests and opportunities for service from a variety of interested parties and organizations. Such requests are considered on the basis of their value and contribution to Amtrak, the feasibility of supporting the proposed operation, potential issues with host railroads, equipment availability, and other considerations. We reviewed the request from the Boy Scouts Organization for 2019 and unfortunately, it did not meet our Charter Train Guidelines, which establish our policies for such services, because of the extensive amount of equipment and resource needed to provide adequate transportation for over 4,000 passengers on a one-time movement. Amtrak would have needed to pull equipment away from other routes in order to serve this one-time movement because we do not have dozens of extra cars that are not being utilized elsewhere in the system.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
RICHARD ANDERSON

*Highway-Rail Grade Crossings.* Amtrak's passenger train service operates on freight tracks in Washington State where 121 million tons of freight were shipped by rail in 2014. And the state expects this freight volume to more than double by 2035.

Delays at grade crossings create congestion on our roads. At the worst 50 grade crossings in Washington State, trains block each crossing for an average of 2 hours every day.

The FAST Act authorizes the Railway-Highway Crossings program, which supports safety improvements to reduce fatalities, injuries, and crashes at public railway-highway grade crossings.

But it will cost \$830 million to improve the 50 most congested grade crossings in Washington State and in Fiscal Year 2018 the state received only \$4.4 million from the Federal Railway-Highway Crossings program. That is less than half a percent of the total funds needed to improve these crossings.

*Question 1.* Your testimony states that Amtrak's safety risk assessments are being expanded to include grade crossings as a focus area. Will you provide those risk assessments for grade crossings to this committee?

Answer. Specific assessments we conduct of grade crossing are part of our Safety Management System (SMS) and contain privileged assessments and recommendations internally undertaken for the purpose of evaluating, planning, and implementing safe and efficient rail service operations. We stand ready to meet with the Committee, explain the risk assessment process and to provide examples of the types of issues we examine in grade crossing risk assessments.

*Amtrak Safety Culture and Safety Management System (SMS).* One month before the Amtrak derailment in DuPont, the Chairman of the NTSB, Robert Sumwalt, provided an ominous warning about Amtrak's safety culture.

He said quote, "Amtrak's safety culture is failing, and is primed to fail again, until and unless Amtrak changes the way it practices safety management." In your testimony in front of this Committee in March 2018, you stated that improving the safety culture at Amtrak was one of your top priorities.

In your written testimony today, you explain that quote, "Amtrak has continued to implement the safety management system throughout our operations. . ."

However, according to the NTSB, the fatal incidents in DuPont, Washington and Cayce, South Carolina demonstrate that cannot control safety management when it is operating on the territory of a freight railroad.

*Question 2.* How will Amtrak fully implement its safety management system, or SMS, on all operations when Amtrak does not control the management of safety where passenger trains run on host railroad tracks?

Answer. This is an area where Amtrak has responsibility but not authority, per se. We are utilizing our SMS to make decisions to operate in a manner that is best for Amtrak, our customers and employees, and not merely at the discretion of our host railroads. We will work with them and have observed host railroads to be open to the mitigations that we have recommended and have agreed to implement some of these, as demonstrated by our procedures for signal suspensions and non-PTC operations. This remains an area where legislative assistance would benefit Amtrak customers and employees. We believe it is imperative that the Federal Railroad Administration (FRA) establish one system safety program plan standard for freight and passenger railroads by combining 49 CFR Parts 270/271.

*Question 3.* How will you ensure that Amtrak meets the same safety standards on host tracks compared to where Amtrak operates on its own track?

Answer. Meeting the same safety standards is a twofold approach. We are developing a change management process and performing a major operating rule analysis comparing our rules to those of our host railroads. In a mature operation, significant change (such as new route segments or other changes to infrastructure, facilities, equipment, services, etc.) is known to introduce risk. The objective of this process is to institutionalize how these changes are evaluated to ensure the risks are understood and properly mitigated. The major operating rule analysis is designed to start formalizing where key differences in how we operate exist in comparison to our host railroads, enabling a clear assessment of the risks and opportunities for improvement. We envision that our partnership with hosts, state services, and applicable stakeholders will only continue to increase as our SMS matures due to our dependency on their support for safe and effective operations.

Amtrak is looking at Reauthorization and other opportunities to work with Congress and stakeholders to consider a consolidated national operating book to replace the multiple books that are present today across the industry.

*Question 4.* Are employees able to report legitimate safety violations to Amtrak management without the fear of retaliation?

Answer. Not only are employees able to report legitimate safety violations to Amtrak management, they are encouraged to report safety violations and concerns. The reporting of safety violations allows Amtrak to become a learning organization where violations are shared, root causes are identified, and mitigations are implemented in a non-punitive environment. A variety of means are available for reporting safety violations to include sharing a violation with an immediate supervisor, voluntary safety reporting programs, a safety hotline that is monitored daily and a safety e-mail inbox. Amtrak has zero tolerance for retaliation for reporting or properly acting upon safety concerns.

*Question 5.* Are employees allowed or encouraged to report safety violations directly to you as CEO?

Answer. Yes, employees are allowed to report safety violations or concerns directly to the CEO. In fact, the CEO does receive reports of safety violations or concerns directly from employees. However, they are encouraged to utilize their chain of command first. The front-line management at Amtrak is more than capable of addressing most safety violations or concerns. Issues that cannot be addressed by the front-line management are escalated up the chain until resolution.

*Question 6.* Since the implementation of Amtrak's SMS program, how many safety violations have been reported year-over-year compared to the number of safety violations reported in the two years prior to SMS implementation?

Answer. Over the last two Fiscal Years we have received over 1,400 reports of safety concerns annually as part of the C3RS program and the implementation of the Engineering Department voluntary reporting program. This is an increase in comparison to the reports received in the two prior years. We attribute this to heightened awareness of the programs and we anticipate the upward trend to continue as communication and education around the programs continue.

*Positive Train Control (PTC) Exemptions.* NTSB Board Member Homendy's written testimony notes that the NTSB remains concerned that the Federal Railroad Administration is, quote "granting exemptions to PTC, including for more than 1,400 miles of freight railroad-owned track on which Amtrak operates, some of which is in dark (non-signaled) territory."

*Question 7.* What are Amtrak's plans to mitigate safety risks in areas where PTC is not operational?

Answer. Amtrak's position remains that PTC should be required for passenger rail operations in the United States. Only in unique cases where it does not make technical or practical sense, will we consider a PTC-equivalent solution as a final solution. Amtrak completed a review of over 1,400 miles of Main Track Exclusion Addendum (MTEA) territory and identified approximately 60 mitigations to improve operating safety in non-PTC areas. Over half of those mitigations have already been implemented and the remaining items are in work with the responsible host railroad. Amtrak acknowledges that it will take time to implement this strategy. As we continue to collect data from host railroads, our assessments continue to evolve as to whether PTC or PTC-equivalency is most appropriate for any territory. Therefore, for the near term, Amtrak is putting in place non-PTC risk mitigations on these MTEA segments.

*Amtrak's Long-Distance Routes.* Amtrak's long-distance routes are important to Washington's rural communities. There are two long-distance lines in my state, the Coast Starlight and the Empire Builder. These lines serve 15 communities in my state, the majority being smaller rural communities.

The Trump administration has repeatedly advocated for eliminating these long-distance routes, and while I know you do not support their elimination, it has become a very sensitive issue for the Committee.

*Question 8.* Can I receive your commitment that you will notify this Committee of any decisions at Amtrak that could impact the service of any of Amtrak's long-distance routes?

Answer. We have no plans to materially alter long-distance routes until Congress has an opportunity to consider reauthorization, which we believe is the appropriate venue for this discussion. Congress continues to invest in these routes through the Appropriations process consistent with the current authorization enacted by the FAST Act, and we continue to try to improve our long-distance services and deliver value to the American taxpayer's investment. We believe the Coast Starlight and the Empire Builder are key routes in this current network.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
RICHARD ANDERSON

The Empire Builder, one of Amtrak's longest rail lines, provides a critical link for many rural communities in Minnesota. In your testimony, you noted the important role that long-distance trains play in these communities while also highlighting that these trains often have poor on-time performance.

*Question 1.* How does poor on-time performance of long-distance rail lines negatively impact small communities, including in rural areas?

Answer. Long-distance train ridership and passenger-miles (the measures of long-distance train usage) have fallen in recent years. This is during a period when rider-

ship has grown significantly both on Amtrak's NEC and state-supported routes. Passenger miles on long-distance trains have fallen dramatically—they are down 12.5 percent from FY 2010 to FY 2018. The major cause of this decline is freight train interference on host railroads, which has devastated on-time performance and reduced demand for longer distance rail trips. Trips over 600 miles on long-distance routes have fallen 20.5 percent from FY 2010 to FY 2018. These decreases are more significant in coach than in sleeper, reflecting the reduced appeal of the trains to those whose travel is less likely to be for leisure purposes. Unfortunately, we do not see these trends changing and it is evident freight railroads that host passenger trains will continue to ignore the law and delay passenger trains. That is why it is critical that Congress look at ways to ensure freight railroads follow the law of preference.

*Question 2.* What steps is Amtrak taking to address this?

Answer. Amtrak is dedicated each day to improving on-time performance (OTP) for our customers traveling on host railroads. We pursue a strategy rooted in collaboration. We strongly prefer to resolve all performance issues by working together with host railroads. Amtrak crews and operating managers are in continuous dialogue with each host on a daily basis to work to deliver safe and reliable service on host lines and address any operating issues that may arise. Amtrak management convenes regular meetings with host railroad executives and passenger operations staff to discuss performance trends, identify opportunities for improvement, and actions both the host and Amtrak might take to reduce delays. Furthermore, the operating agreements between Amtrak and each of the Class I host railroads contain financial incentives based on performance. While these incentive systems vary by host and in their effectiveness, they nonetheless provide an opportunity for substantial financial gain for the timely operation of Amtrak trains. Taking a collaborative approach to improving on-time performance is our top priority, and we pursue every opportunity available to us to work with host railroads on joint performance initiatives.

However, we know from experience that Amtrak customers receive the highest level of reliability on host railroads when there is a mechanism to enforce the Federal statute requiring freight railroads to provide Amtrak trains preference over freight transportation. Following the passage of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), OTP exceeded 75 percent for long-distance trains and 80 percent for state-supported trains, and on certain hosts freight train interference delays—the largest cause of delay to Amtrak passengers on the National Network—dropped by roughly two-thirds in a matter of weeks. We observed similar trends in the reverse when the PRIIA Section 207 metrics and standards regarding OTP were ruled unconstitutional, after which freight train interference delays rapidly increased. Please see our annual Host Railroad Report Card, an On-time Performance Report by Route for FY2018, and our monthly Host Railroad Report provided publicly on our website: <https://www.amtrak.com/reports-documents>.

Throughout this time, Amtrak has sought to work together with host railroads to improve performance, but the dramatic swings in delays and OTP immediately following major legislation and legal decisions suggests that OTP on host railroads is ultimately driven by the Congressional and judicial appetite to hold freight railroads accountable to existing law. By statute, currently only the U.S. Department of Justice (DOJ) can enforce preference in a civil action before a District Court judge. In Amtrak's entire history, DOJ has initiated only one enforcement action, against the Southern Pacific in 1979. Amtrak supports continued authority for the DOJ to initiate an action, but we request that this authority be supplemented by creating an ability for Amtrak to enforce preference, just as any other company would have a right to resort to the courts if its rights were being violated.

History has proven that the ability to enforce Amtrak's right to preference has the greatest likelihood of resulting in sustained levels of reliable rail service across the country, and we appreciate your leadership on this issue.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TOM UDALL TO  
RICHARD ANDERSON

*Question.* On April 5th, 11 Senators, including myself, wrote to you to, among other things, raise concern regarding the cost allocations for the state-supported and long-distance routes. I am aware how the cost allocation works. However, there is concern that Amtrak uses accounting mechanisms that inflate costs associated with the national network—by charging long-distance and state-supported routes for costs which may be more appropriately charged to Amtrak. This is not the first time Amtrak has been criticized for employing opaque accounting methods. As recently

as 2016, the Government Accountability Office identified issues with state supported routes—including states not trusting the allocation and the costs that Amtrak attempted to shift. Given the proposal in your testimony to shift to more state supported lines, how does Amtrak expect to regain the trust of states and other stakeholders and ensure that its cost allocation methods are legitimate?

Answer. Assertions that Amtrak's accounting is misleading or inaccurate are false. Amtrak is audited by Ernst & Young every year in accordance with Generally Accepted Accounting Principles (GAAP) and that audit is then audited by the Amtrak Office of the Inspector General (OIG). The *Trains Magazine* article, cited in your letter to Amtrak, features an often heard and spurious claim that Amtrak's accounting improperly allocates costs to the National Network services in favor of the Northeast Corridor service. This favorite theory of a small and ill-informed subset of the hobbyist "railfan" community is without merit and seems aimed at obfuscating the costs of the long-distance network rather than illuminating the substantial and fairly well-known costs of Northeast Corridor infrastructure, which is the busiest main line railroad in North America.

There are many legitimate questions regarding the equity of Federal support for the Amtrak network. Some passenger rail advocates chafe at the significant funding that goes to support the Northeast Corridor and long for large governmental investments that could greatly expand intercity passenger rail service to other regions of the nation, particularly long-distance trains. Yet, these same advocates often fail to realize that in FY2018, \$922 million, or nearly half of our \$1.94 billion Federal appropriation, went to support the long-distance network and its 4.5 million annual trips. Only \$498 million of this appropriation was available for capital investments that support the over 12 million annual Amtrak passenger trips on the Northeast Corridor and to fund Amtrak's share of joint projects benefitting the 200 million Amtrak and commuter passenger trips on the Northeast Corridor. We generally support such calls for intercity passenger rail expansion but find it essential to do so within the mandate of the laws passed by Congress and with fully transparent and accurate finances.

As you may know, Amtrak uses the Amtrak Performance Tracking System (APT), developed at the behest of Congress by the John A. Volpe National Transportation Center of the U.S. Department of Transportation (Volpe Center), to allocate revenues and costs to service lines. Using Amtrak's audited financial data, APT assigns the majority of the operating expenses Amtrak incurs directly to individual trains, from which those costs then are linked to routes and service lines. For expenses that benefit multiple routes and/or cannot be directly assigned, APT uses formulas that allocate costs to routes as accurately as possible based upon 45 different measures of usage. APT uses a similar approach to assign capital costs, including NEC infrastructure investments which are treated as capital costs, and allocated to routes that benefit from them, in accord with the requirements of Generally Accepted Accounting Principles (GAAP) and the Surface Transportation Board regulations that apply to freight railroads.

Accounting methodologies are not the reason that long-distance trains consume a disproportionate share of Amtrak's Federal funding for both operating and capital expenses. Rather, long-distance trains require large Federal subsidies because their revenues are lower and operating costs are higher than Amtrak's state-supported and NEC services. The Federal government is virtually the only funding source for the capital investments they require. These costs are set to increase significantly in the future as we face host railroad-related poor on-time performance across the network and much of our equipment used in long-distance service reaches the end of its useful life and requires replacement.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY BALDWIN TO  
RICHARD ANDERSON

The Milwaukee-Chicago Hiawatha line is one of the most successful Amtrak routes in the country. In 2018, the Hiawatha served an all time-record number of more than 858,000 passengers, a 3.6 percent increase over the previous year. Ridership has more than doubled since 2003 when seven daily round-trips began. Current service is at capacity, and many trains are now standing room only.

Wisconsin would like to increase the seven daily roundtrips to ten. I understand conversations and negotiations over this expansion plan are ongoing between the Wisconsin and Illinois Departments of Transportation, in partnership with Amtrak.

*Question 1.* What steps has Amtrak taken to add capacity to the current seven daily round-trips?



Answer. Due to Amtrak's severe equipment shortage, adding capacity to those trains is extremely difficult. However, during the summer of 2019, Amtrak identified a Lounge car or "table car," that was not being used in regular service and could thus be placed in service on one of the Hiawatha train sets. While this car is not a regular passenger coach, it does have seats at booths with tables for use by passengers who would otherwise be standing. This "table car" is not available on every train in the Hiawatha's but we have dedicated it to the set of equipment that is used on the two trains most likely to have standees. It should be noted, that by adding this car to the train's consist, Amtrak is bound by its labor agreement to add a third conductor to those trains on which the car is used, which is a factor in the operating costs that states must bear consistent with Section 209. WisDOT received a State of Good Repair grant from the FRA for up to \$25.7 million to support equipment acquisition to replace existing equipment and grow seating capacity on the Hiawatha's service.

*Question 2.* What are the benefits of expanding Amtrak service from seven daily round-trips to ten on the Hiawatha line?

Answer. Expanding Amtrak service from seven to ten daily round trips increases traveler utility by providing service in new time channels, giving consumers more choice. These new trips would generate additional demand and would provide capacity to meet the existing demand on the corridor, thus growing ridership significantly, by over 100,000 trips. WisDOT is seeking an agreement with CP and with Illinois DOT on a set of capacity improvements on the Chicago-Milwaukee corridor that will allow for the additional round trips to begin. The parties have engaged a consulting firm to help with this process. Amtrak is stands ready to work in co-operation with WisDOT, IDOT, and CP to launch the 3 additional round trips as soon as possible.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
IAN JEFFERIES

*Highway-Rail Grade Crossings.* Amtrak's passenger train service operates on freight tracks in Washington State where 121 million tons of freight were shipped by rail in 2014. And the state expects this freight volume to more than double by 2035.

Delays at grade crossings create congestion on our roads. At the worst 50 grade crossings in Washington State, trains block each crossing for an average of 2 hours every day.

The FAST Act authorizes the Railway-Highway Crossings program, which supports safety improvements to reduce fatalities, injuries, and crashes at public railway-highway grade crossings.

But it will cost \$830 million to improve the 50 most congested grade crossings in Washington State and in Fiscal Year 2018 the state received only \$4.4 million from the Federal Railway-Highway Crossings program. That is less than half a percent of the total funds needed to improve these crossings.

*Question 1.* Given the unmet need for funding grade crossing safety improvements, do you support increasing the authorization level of the Federal Railway-Highway Crossings (Section 130) Program?

Answer. Under the Section 130 program, more than \$240 million in Federal funds are allocated each year to states for installing new active warning devices, upgrading existing devices, and improving grade crossing surfaces. The program has helped prevent tens of thousands of fatalities and injuries associated with grade crossing accidents.

Without a budgetary set-aside like the Section 130 program, grade crossing needs would fare poorly in competition with more traditional highway needs such as highway construction and maintenance. One of the primary reasons the Section 130 program was created in the first place was that highway safety—and especially grade crossing safety—traditionally received low funding priority. The FAST Act appropriately included continued dedicated funding for this important program for five more years and has meant more injuries averted and more lives saved. Providing additional funding for the Section 130 program would further improve rail-related safety, something railroads always support.

In addition to increased funding, other improvements can be made to the Section 130 program to help ensure the funds are spent in the most efficient manner. Some examples are identified in the answer to Question 2 below.

positive train control can greatly improve safety, but I'm concerned that the safety benefits will be short lived if the industry uses automation to reduce crew sizes. Administrator Batory, does the number of crew members on a train impact its safety?

*Answer.* As is the case with other modes of transportation, automated technology is expected to introduce new levels of risk mitigation and overall safety. FRA believes that adherence to Federal regulations and safe work practices while incorporating innovative technology is essential, but it is not necessarily determined by crew size.

*Question.* Given the recent trend toward automation in transportation, should Congress consider regulating crew size in order to protect the safety of the traveling public?

*Answer.* FRA does not believe it is necessary for Congress to regulate crew size in order to protect the safety of the traveling public. FRA is currently working with representatives of the rail industry as it incorporates advanced technology as part of appropriate Federal oversight, including ensuring sufficient crew resources to maintain the safety of the traveling public. Moreover, passenger railroads must staff their trains consistent with their responsibilities under FRA's existing passenger train emergency preparedness plan requirements in 49 CFR part 239.

*Question.* Administrator Batory, are the transportation components of the rebuilding of Chicago Union Station eligible for the appropriated rail programs under the fiscal year 2018 omnibus bill?

*Answer.* Yes, as an intercity passenger rail station owned by Amtrak, Chicago Union Station transportation improvements are eligible for Consolidated Rail Infrastructure and Safety Improvement Grants and Federal-State Partnership for State of Good Repair Grants. In fiscal year 2018, these grant programs were funded at \$592.5 million and \$250 million, respectively. Additionally, Amtrak can utilize its National Network funds to support rail infrastructure projects at Chicago Union Station.

Also as a significant tenant at Chicago Union Station, nearly 130,000 Metra passengers passing through the station on an average weekday and more than 42,000 each weekend, Metra could also pursue Federal investment in Chicago Union Station through Department of Transportation grant programs. The Secretary is currently accepting applications for the Better Utilizing Investments to Leverage Development (BUILD) program for surface transportation infrastructure, and applications are due on July 19, 2018. Additionally, Metra could pursue funds from the Federal Transit Administration's Capital Investment Grant program. In fiscal year 2017, these grant programs were funded at \$1.5 billion and \$2.6 billion, respectively.

#### QUESTIONS SUBMITTED TO STEPHEN GARDNER

#### QUESTIONS SUBMITTED BY SENATOR JOHN HOEVEN

*Question.* Over the past few months, a number of my constituents, along with Amtrak's stakeholders, have raised concerns about the direction the railroad is taking with regards to its long-distance trains, including the Empire Builder that runs through North Dakota.

The Empire Builder has seven stops in North Dakota, and serves as a vital transportation for our state's residents. Amtrak is particularly important to those traveling to and from Minot, Grand Forks, and Williston.

What changes will be made to Amtrak's most recent five-year service plan with regards to the National Network and long-distance trains in particular? What service changes could or should North Dakotans expect to the Empire Builder service?

*Answer.* Amtrak is required by the FAST Act to submit five-year plans annually to Congress. Each year, the plan includes an additional year of financial planning into the future. The next version of this plan will be for fiscal year 2020–fiscal year 2024 and will be considered by our Board in January of 2019 and submitted to Congress thereafter. Management does not plan on proposing any substantial changes to the Empire Builder route or the current intercity passenger rail service levels to North Dakotans, or other major changes to the Long Distance services of the National Network as part of that plan at this time. We anticipate that any proposals for changes to our network, service levels, and intercity passenger rail policy will be made by Amtrak through the reauthorization process we expect to begin next year and considered then by Congress and Administration. The one exception to this relates to the future of the Southwest Chief route due to the unique situation that applies to segments of this particular route.

*Question.* In testimony before the House Transportation and Infrastructure Committee in February, your CEO Richard Anderson testified that if any of the host

railroad segments over which it operates, "appear unlikely to achieve sufficient progress to apply for an alternate positive train control (PTC) (implementation) schedule" by the end of 2018, "Amtrak will suspend operations until such time as the carriers become compliant with the law."

As there are a number of sections of track on which PTC is excluded (including, for example, a section of the Empire Builder's route outside St. Cloud, MN), will Amtrak stop running the Empire Builder on January 1st, 2019, per Mr. Anderson's stated commitments to cease operations on tracks where PTC is not up and running?

*Answer.* Amtrak plans to conduct risk assessments on MTEA (main line track exclusion addendum) territory such as the portion of the route on the Empire Builder that you reference. These assessments are being done to analyze the risks associated with continued operations over the route in absence of PTC and to help us create strategies for risk mitigation that we expect will permit continued operations across our network at a common level of safety until PTC or PTC-equivalency can be achieved. The target for completing risk assessments is by the end of October.

*Question.* Finally, I will be introducing legislation with Senator Duckworth that would make it a Federal offense for anyone aboard a passenger train to assault, intimidate, or interfere with the duties or performance of a crewmember.

It is my understanding that you are supportive of this legislation, are you willing to work with myself and Senator Duckworth to get this bill passed?

*Answer.* Amtrak supports the legislation related to assaults on train crews that you introduced with Senator Duckworth and appreciate your efforts to address this critical issue. We appreciate the progress so far and will continue to work with your office and Senator Duckworth as it moves through the legislative process.

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#### QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

*Question.* The Cascades accident occurred on a curve where the maximum speed limit is 30 miles per hour and the maximum speed prior to the curve is 79 miles per hour. The FAST Act required railroads to develop speed limit action plans for just this type of curve. I understand Amtrak established a plan that requires mandatory communication between the engineer and conductor when approaching speed restrictions.

Mr. Gardner, how effective has this communication been in practice on a day to day basis? Has Amtrak reviewed its speed limit action plan since the Cascades accident?

*Answer.* This communication is effective and it is monitored by our front line supervisors. We have reviewed the speed limit action plan. However, it is important to note that train crew communications and the speed limit action plans are supplemental tools. As an industry we must focus our attention and resources on timely PTC implementation.

*Question.* I understand PTC will be fully implemented on all tracks Amtrak runs on in Washington, including on the Point Defiance Bypass where the Cascades accident occurred, by the December 2018 deadline.

Mr. Gardner, is that correct? Yes or No. If no, what steps is Amtrak taking now in order to meet this critical deadline?

*Answer.* Yes, PTC will be fully implemented on the all tracks that Amtrak runs in the State of Washington by the deadline.

*Question.* PTC is vital, and long overdue, but it doesn't address all rail safety issues and cannot prevent all accidents—mainly vehicle or pedestrian intrusions on at-grade crossings and trespassing on railroad property.

Mr. Gardner, can you share what Amtrak is doing to work with communities through which your passenger trains run? Please outline how you support physical solutions like at-grade crossings, technology solutions, education, communication, and any other mechanisms to improve safety and reduce the risk of vehicle or pedestrian accidents?

*Answer.* We continue to look for opportunities to address grade crossing safety and we have long supported outreach programs. The most prominent program is "Operation Lifesaver," a nonprofit public safety education and awareness organization dedicated to reducing collisions, fatalities and injuries at highway-rail crossings and trespassing on or near railroad tracks. However, more needs to be done and we still believe the safest grade crossing is the one that does not exist. Several of the host railroads have programs in place that financially incentivize communities to remove public grade crossings and we strongly believe that more funding and focus on upgrading those grade crossings that necessary with enhanced traffic control and safe-

ty features is justified. Similarly, where new public grade crossings are introduced it is imperative that active warning devices are installed.

*Question.* Similarly, Amtrak must do more to improve its safety culture. I appreciate your work to implement a Safety Management System and the adoption of new safety policies.

Mr. Gardner, this all sounds good. But how will you institute these changes? Do you have an action plan with hard deadlines? What about mechanisms to determine the effectiveness of these new safety systems?

*Answer.* A Safety Management System (SMS) is never complete, it is an exercise in continuous improvement. We do have an action plan with incremental milestones that have been appropriately prioritized. In addition, Amtrak Board of Directors passed a resolution which required Amtrak to be the industry leader in the implementation of a SMS. The key components of our safety policy are:

- Our goal is to become America's safest passenger railroad. We believe that zero accidents and zero serious injuries is possible—and we will work together towards everyone performing at this level.
- All business functions are expected to make safety an integral element to how they operate. This commitment is central to SMS. Everything we do must consider and advance our safety performance.
- We will operate at the highest level of safety—by exceeding regulatory standards. It is not good enough for us to simply meet Federal Railroad Administration (FRA) guidelines. We must do better.
- We will proactively identify and mitigate risk based on data. We are identifying new metrics that will allow us to focus on leading indicators—instead of relying on historical incident data.
- We will become a learning organization where safety self-reporting is encouraged. We will not discipline employees for self-reporting a safety issue. We need to know where we are falling short in safety so we can study these incidents and learn from them.
- All employees are empowered to stop an operation if an unsafe condition exists. This means everyone—at any time.
- We must not tolerate an intentional disregard for safety or reckless behavior. These incidents will be handled appropriately.

Similarly, risk management is a key component of a successful SMS. Measuring safety performance is not new to Amtrak. The effectiveness of the SMS will be monitored by safety metrics that are currently being refined. We have refocused our suite of safety metrics around customer injury, employee injury, train safety index, and trespasser/grade crossing incidents. Many of these metrics move away from the focus on discipline for violations and instead move toward a culture of safety, learning, and proactive continuous improvement.

In 2019, our strategy will be to mature these metrics and the business processes around them to increase visibility and focus on corrective actions. We have established internal goals around these metrics and they are cascaded throughout the enterprise. Meeting these goals is one component of measuring our progress as related to safety of operations.

*Question.* The City of Lakewood has expressed interest in locating a new Amtrak station in Lakewood. I understand this would complement a new commuter rail station in the Tillicum neighborhood, and also serve Joint Basin Lewis McChord.

Mr. Gardner, I ask that Amtrak consider conducting a Station Assessment Study to determine the feasibility of locating a new station in the City of Lakewood.

*Answer.* The Amtrak Cascades passenger rail program is a state-supported service of the States of Washington and Oregon, and is operated by Amtrak. Since this is a state-supported service, such requests typically are joint decisions by the various parties that support the service, which includes Amtrak, and the States of Washington and Oregon, since together, we set the overall vision for the service. For new station stops along this route, the State of Washington has developed, and implemented, a Station Stop Policy that outlines a clear process for communities seeking an Amtrak Cascades stop in their city. Guidance on conducting a preliminary evaluation, feasibility study, and submitting information for consideration is outlined in a manual on the WSDOT website.

*Question.* In March, Amtrak announced it would no longer operate charter services or special trains with narrow exceptions and that one-time trips and charters would be immediately discontinued. Amtrak also reduced the number of stations where private cars could be added or removed from regular Amtrak trains. The later

policy change will negatively impact a private car in Spokane, Washington. I have heard from constituents with concerns that these new policies could hurt communities by reducing economic development and tourism opportunities.

Mr. Gardner, during an April 11 hearing before the House THUD Subcommittee—our counterparts—you said Amtrak plans to constrict the number of charter train routes, not eliminate them entirely. But this is not what the Amtrak memo states. Can you clarify how exactly Amtrak's policy on charter services and special trains is changing?

Will there be a waiver process for operators of charter services or special trains to apply for the continuation of their service or special event?

In announcing this change Amtrak said it was in an effort to "operate its core train service safely, punctually, and efficiently." Please explain how the operation of charter services or special trains impacts Amtrak's service, and provide any data on financial and schedule impacts that Amtrak used to justify this decision.

*Answer.* Amtrak's primary objective is to operate its core train service safely, punctually, and efficiently. Amtrak must stay focused on this objective, particularly given the significant on-time performance challenges we currently face owing to host railroad-related delays. We reevaluated our charter and private car services because of the impact they were having on our operational capacity and their cost to our company. Some instances had an effect across the system. For example, Amtrak routed 12 Amtrak single level cars to a charter in Seattle this past December which had a detrimental impact to our operations. It caused undue stress to equipment availability during service disruptions in Chicago and pushed our preventative maintenance schedule behind across the country. Those charter trains and private cars will continue which do not disrupt regularly scheduled service and are economically viable with sufficient financial benefit for Amtrak to justify the resources and the assets. Our policies for both services are posted publically on our website here:

<https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/Amtrak-Charter-Train-Guidelines-032818.pdf>

<https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/Amtrak-Private-Car-Guidelines-062118.pdf>

*Question.* Unfortunately, these changes aren't the only ones I'm hearing about. I understand that Amtrak also recently eliminated the food and beverage service on the Capitol Limited and Lake Shore Limited routes. This will have a direct impact on service and jobs. While these routes are not in Washington State, I am concerned with what this decision may be foreshadowing for Amtrak's Long Distance service. Amtrak's Long Distance service connects towns and cities all across America, sometimes serving as the only transportation option, and supports local economies.

a. Mr. Gardner, does Amtrak intend to maintain at least the current level of service on all Long Distance routes?

*Answer.* Yes, Amtrak plans to continue the current Long Distance routes and frequencies we operated in fiscal year 2018 in fiscal year 2019, with the possible exception of a portion of the Southwest Chief route, for which we have proposed instituting alternative connecting bus service in lieu of significant ongoing additional costs associated with continuing service over this segment. Congress is currently considering this issues in the fiscal year 2019 THUD Appropriations bill.

*Question.* Can you outline Amtrak's long-term plans, at least the next 5 years, for Long Distance service?

*Answer.* Amtrak will submit its next iteration of its long distance five year plans in February 2019, consistent with its statutory requirement to do so. At present, we anticipated that any Amtrak proposals for major changes to the national network or intercity passenger rail policy will be provided to Congress as part of the reauthorization of the FAST Act.

*Question.* Are there plans to reduce or eliminate food and beverage service on other routes? What about onboard or clerk services?

*Answer.* Amtrak is always interested in improving our customer experience and becoming more efficient throughout our system. Relative to our food and beverage offerings, Congress explicitly required us to vastly improve the financial performance of these amenities by eliminating all associated losses by December 2020 with the clear knowledge that achieving such a mandate would require us to significantly change our model and experiment with new approaches to serving the needs of our customers during their journey.

In regards to our new approach to food service on the Capitol Limited and the Lake Shore Limited, the main focus is not just food and beverage, although that is certainly a critical element. We are moving to a general hospitality environment that is modernized and efficient. We want to put emphasis on what the new genera-

tion of traveler expects from an experience. That does not mean the elimination of communal dining, but does mean more choice and individualized approach.

We want the customer to have a greater say on where, when and how they dine, whether that is communally, in their sleeper, alone with their media devices or a combination of all of the above during their journey. We are testing less structure—more individualization. We are increasing the quality of the food, but reducing the amount of preparation necessary which provides us with the savings needed to invest in the product. In the coming year, we plan to move toward pre-order opportunities where a customer can select what they wish, while booking their trip, or wait and decide when they board. We will still have seating in a communal cafe-type car. Longer term plans may consider some minor remodeling to provide various seating options for people with various interests.

We continue to refine the product and service on the Capitol Limited and Lake Shore Limited and will be looking to expand the use of this model on other single-night overnight Long Distance trains in fiscal year 2019, as appropriate.

*Question.* I understand all Amtrak employees are trained to act as on site emergency responders. Did Amtrak consider impacts to Amtrak's ability to effectively respond to emergency situations when making the changes to the Capitol Limited and Lake Shore Limited routes? Did you factor this reduction in staff into Amtrak's safety plans?

*Answer.* Amtrak takes very seriously appropriate safety considerations in our determination of crew size. We currently provide on-board service (OBS) personnel with first aid and CPR training during their initial training. After initial training every other year OBS personnel continue to receive emergency preparedness training covering rail equipment familiarization; situational awareness; passenger evacuation; coordination of functions; and "hands-on" instruction concerning the location, function, and operation of on-board emergency equipment. Appropriate staffing levels have always been included in our safety protocols. Since conductors and engineers have primary responsibility for emergency response on a train, we do not believe that changes in general OBS personnel levels impacts our ability to sufficiently respond to an incident.

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#### QUESTIONS SUBMITTED BY SENATOR RICHARD J. DURBIN

*Question.* Amtrak's Chicago-Carbondale route continues to be one of the worst performing routes in the country due to freight interference. Last year, the route was only on time 32 percent of the time because Canadian National Railway continues to give preference to its freight trains over Amtrak trains despite the decades-old statutory requirement to prioritize passenger trains. Nationally, Amtrak's long distance trains were on time at stations only 45 percent of the time in 2017, a decline of 8 percent compared to 2016.

a. Mr. Gardner, can you give us a better idea of how poor on-time performance affects Amtrak's bottom line and what Amtrak views as the primary cause of it?

*Answer.* Poor on-time performance (OTP) is primarily due to host responsible delays. When operating on host railroads, those hosts make all dispatching decisions regarding which trains may proceed and which trains will be held. The largest cause of delay to Amtrak trains on host railroads is Freight Train Interference (FTI). Although Federal law requires Amtrak passenger trains to receive preference over freight transportation, host railroad dispatchers often require Amtrak passenger trains to wait so that its freight trains can operate first. Sometimes a host railroad will make Amtrak passengers follow the same slow freight train for 50 to 100 miles or more, and may even make Amtrak passengers wait while individual freight cars are switched into or out of industrial facilities. Decisions by freight companies to prioritize their trains over passengers often occur when freight trains are operating late or short on crews.

Disciplined freight operators, such as BNSF and Canadian Pacific (CP) run reliable schedules that benefit both Amtrak and freight customers with significantly less FTI to passenger trains. Over the last twelve months, BNSF averaged 300 minutes of FTI per ten thousand train miles, and CP averaged 100 minutes of FTI per ten thousand train miles. BNSF and CP work cooperatively with Amtrak, respecting Federal law and actively engaging Amtrak personnel when operational challenges arise. Other freight companies, such as Norfolk Southern (NS) and Canadian National (CN), often operate freight trains many hours ahead of or behind schedule, or with no schedule at all. Over the last twelve months, CN averaged 750 minutes of FTI per ten thousand train miles, and NS averaged 1000 minutes of FTI per ten thousand train miles. These railroads regularly ignore Amtrak's statutory pref-

erence and they make unilateral operating decisions which consistently delay Amtrak passengers.

In addition to lost revenue through lost ridership, delays increase Amtrak costs, primarily by extending shifts, increasing staffing and maintenance requirements, and utilizing more fuel. In 2008, the United States Department of Transportation's Office of Inspector General (USDOT OIG) issued a report on the financial effects of poor OTP and concluded that "poor OTP has significant negative impacts on Amtrak's financial condition and may undermine Amtrak's ability to retain and grow ridership." Using fiscal year 06 performance numbers as a baseline, which are unfortunately similar to Amtrak's current long-distance OTP, the USDOT OIG found that increasing OTP to 75 percent would increase revenues by nearly \$70 million and reduce costs by \$32 million on Amtrak's long-distance network. Amtrak's 2015 study of the impact of OTP on Amtrak's operating costs demonstrated a clear statistical relationship between OTP and each of Amtrak's costs areas (maintenance, fuel, crews, etc.) with cost changes associated with every 1 percent change in performance.

OTP improvements are achievable. Amtrak's performance on host railroads improved dramatically off the USDOT OIG fiscal year 06 baseline performance after the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) was enacted. PRIIA provided broad preference enforcement authority to the Surface Transportation Board. That authority alone precipitated a nearly 67 percent drop in FTI in just 8 months. Unfortunately, legal challenges thwarted Amtrak's ability to enforce its statutory right of preference. Following the initial judicial decision in 2013, host performance began to fall. FTI delays were 50 percent higher in fiscal year 17 than in fiscal year 13, and Amtrak's OTP dropped dramatically. With a strong preference enforcement tool, such as Amtrak's fiscal year 19 legislative proposal for a private right of action, Amtrak could reverse the financial impacts of poor OTP performance on host railroads, improving its bottom line by both reducing costs and increasing ridership and revenue.

*Question.* Amtrak's long distance routes typically serve communities with very little other transportation options. Currently eight of Amtrak's 15 long distance trains run through Illinois.

a. Mr. Gardner, does Amtrak have any current or future plans to shorten or eliminate any of its long distance routes? What are Amtrak's long term plans in the next 5–10 years for long distance routes? Is Amtrak committed to the further development of these long distance routes as they typically service communities that have no other, or very little, transportation options?

*Answer.* Any discussion of major change or redevelopment of long-distance routes will be included and presented as part of Amtrak's reauthorization discussion with Congress.

The one exception is that Amtrak is currently confronted with the unique situation of the Southwest Chief and must make decisions on the route's future now. Amtrak is considering the available options for the Southwest Chief route given the unique maintenance and safety concerns on the Hutchinson, KS-Albuquerque, NM segment of that route. Amtrak raised the need for a long term financial plan in October 2017 and continues to work with stakeholders on a path forward.

This does not imply Amtrak is initiating any other changes to the National Network in fiscal year 2019. However, we are always interested in planning and developing better, faster and more efficient options for Amtrak to provide the best possible service to our customers and your constituents. We want to make sure that we're using our assets and the American taxpayers' investment, to serve as many people as possible.

*Question.* Mr. Gardner, what are the rental fees, and other fees, that Amtrak charges for commuter railroads around the country? How does this compare to the fees for Chicago Union Station?

*Answer.* Amtrak provides passenger rail services, including engineers, train crews, maintenance of equipment services, and other operational support to transit and commuter rail agencies around the country. Amtrak operates commuter rail services on behalf of three regional rail authorities—the MARC Penn Line Service in Maryland, Shore Line East in Connecticut, and Metrolink in the Los Angeles region. Amtrak also provides access to its owned infrastructure to the following transit agencies: Massachusetts Bay Transportation Authority (MBTA), Connecticut Department of Transportation (Shoreline East and CTRail commuter operations), Long Island Rail Road, New Jersey Transit, Southeastern Pennsylvania Transit Authority (SEPTA), Maryland Transit Administration (MARC), Virginia Railway Express (VRE), and Regional Transportation Authority (RTA), owner of the Metra commuter railroad operating in Chicago.

Access agreements may include access fees that compensate Amtrak for the use of Amtrak property and capacity, the proper allocation of reimbursable expenses for shared infrastructure and operational costs including station operations and maintenance, dispatching, right-of-way maintenance, electric propulsion (NJT, SEPTA, MARC), police and a contribution to fund capital investment needs. The access amounts paid to Amtrak for usage of Northeast Corridor (NEC) facilities and capital contributions for normalized replacement of existing NEC infrastructure are governed by the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Section 212. Annual PRIIA 212 reimbursements for the applicable agencies on the NEC are calculated in accordance with the provisions of the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy.

Metra access to and use of Chicago Union Station (CUS) is governed by an Agreement between Chicago Union Station Company, a former wholly-owned subsidiary of Amtrak, and the Northeast Illinois Regional Commuter Railroad Corporation, which was signed in 1984 and expires in 2019, and includes operational cost reimbursement last recalculated thirty years ago. Metra also periodically agrees to fund specific capital investments; this amount varies annually. Metra's current compensation to Amtrak for the use of Union Station and the associated terminal infrastructure is far below the compensation received by Amtrak from other commuter users of our assets, and is inadequate to allow for proper reinvestment in station and railroad assets.

*Question.* Mr. Gardner, is Amtrak under any statutory restriction to take funds made from Union Station private development in Chicago and put them into other corridors outside of Illinois? Could they legally put those funds into the New York City Amtrak service? Is the situation different for stations they own in the Northeast Corridor? Does Amtrak intend to use proceeds from the private development to improve the transportation components of Chicago Union Station, or of Illinois service? How does the accounting of these funds work, under the new accounts required from the FAST Act?

*Answer.* Under the FAST Act, Amtrak receives funding through two new accounts under its grant agreement from FRA. These two accounts cover our two major networks, the Northeast Corridor and the National Network, and contain the entirety of Amtrak's Federal appropriation and the various revenues associated with the activities that occur in each of these networks. The funds within these network accounts can only be used for costs and investments associated with those respective networks, meaning that revenues associated with Union Station can only be used to pay for costs or investments made in the National Network. Congress did include a provision that would permit Amtrak to transfer funds between the accounts, but this would require notification of FRA and Congress. Collectively, these measures keep the investments by Congress in the accounts where they are allocated. To date, Amtrak has never transferred funds between these two accounts.

*Question.* Mr. Gardner, according to Amtrak's fiscal year 19 Grant Request, Amtrak's revenue and ridership has steadily increased the last couple of fiscal years. Given these tremendous gains, the large Federal investment seen in fiscal year 18, and Amtrak's current request for increased Federal investment into its infrastructure system, does Amtrak intend on maintaining current service levels on all routes (National Network or Northeast Corridor)?

*Answer.* Amtrak has worked hard and is encouraged by our exponential increase in ridership and revenue and our exponential decrease in debt over the last decade. We believe in making sure every dollar invested in Amtrak by Congress goes to provide the best possible service we can provide to our customers. However, these gains do not fully address the critical need for infrastructure or equipment investment by Congress. At this time, Amtrak does not generate enough revenue to meet the significant operating or capital needs in our nationwide system. Many of our fleet, bridges, tunnels and other critical infrastructure and equipment are in need of replacement in the near future. We have begun planning now and hope that Congress will be able to help invest in the coming years to help us realize the next generation of intercity passenger rail.

*Question.* Mr. Gardner, does Amtrak expect to reduce or eliminate onboard or clerk services? If so, what services and why? Would these changes be gradual or immediate? Would these positions be outsourced, and how many jobs would be lost? Does Amtrak have a plan in place to retain employees for other roles with Amtrak?

*Answer.* It is Amtrak's duty under statute to ensure that we're spending every taxpayer dollar that we receive in the most efficient way possible. As such, we continually review our staffing levels and are always in search of opportunities to achieve good service more efficiently. As customer demand, travel patterns, and technology changes, we will continue to seek efficiencies that allow us to achieve more with the funds provided by the Federal Government and our other partners,



as any good business would. In fiscal year 2018, we reduced ticket clerks at a number of low-volume stations where the minimal ticket transactions that occur each year suggested that doing so would not unduly impact our revenues and service levels. Doing so is anticipated to save roughly \$100,000-\$120,000 per station. We made these changes without laying off any employees and we will continue to monitor ridership, revenue and customer feedback to see if any adjustments are required. At each such station, we continue to employ either caretakers or station hosts that provide various functions at such facilities.

*Question.* Mr. Gardner, all Amtrak employees are trained to act as on site emergency responders in emergency situations. How will the cuts in reservation or food and beverage staff impact Amtrak's ability to sufficiently respond after an incident? Has Amtrak factored this into their safety plans?

*Answer.* Amtrak takes safety very seriously and safety is considered as we review crew and staffing needs for any of our services and facilities.

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#### QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

*Question.* I want to see Amtrak operate safe and secure trains on its routes across the country. I appreciate the focus you have placed on this issue and know that you recognize Congress also takes rail safety seriously, evidenced by the resources we provided for the corporation in the 2018 Omnibus Appropriations Act. Unfortunately, there have been a number of mixed statements coming from Amtrak leadership about its plans for continuing service along routes that will not be compliant with Positive Train Control (PTC) requirements, even on those with exemptions.

Does Amtrak plan to suspend service on low-traffic routes that are otherwise exempt from PTC requirements?

*Answer.* Amtrak does not intend to suspend service on such routes but final determination of our operations will be pursuant to the risk assessment and mitigation process now underway. We are currently conducting risk assessments on routes that contain FRA-granted MTEA's (main line track exclusion addendum) or do not plan to have operable PTC beginning January 1, 2019 as provided for by an FRA alternative schedule for implementation. These assessments are being done to analyze the risks associated with continued operations over the route in absence of PTC and to help us create strategies for risk mitigation that we expect will permit continued operations across our network at a common level of safety until PTC or PTC-equivalency can be achieved. The target for completing risk assessments is by the end of October.

*Question.* The Vermonter is an example of a state supported service that Amtrak operates on routes that have waivers from positive train control requirements.

Can you share with the Committee Amtrak's plans for operations of the Vermonter after the end of this calendar year?

*Answer.* Amtrak continues to conduct risk assessments to determine the necessary mitigations and enhancements for routes that have MTEAs. It is our expectation at this time that we will develop mitigations that will allow us to continue running service on the Vermonter and Ethan Allen after the end of the calendar year until PTC or PTC-equivalency can be achieved on these routes.

*Question.* Rail advocates in Vermont have noted there is a 50 mile stretch of track on the Vermonter route owned by the state of Massachusetts and operated by Pan Am that does not currently have a PTC waiver from FRA.

Will the status of this track impact operation of the Vermonter in 2019?

*Answer.* Amtrak's understanding, at this time, is that MassDOT intends to file for a mainline track exclusion addendum for this portion of the route. We will keep you updated on the progress.

#### SUBCOMMITTEE RECESS

Senator COLLINS. This hearing is now adjourned.

[Whereupon, at 5:05 p.m., Wednesday, May 16, the hearing was adjourned, and the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]

*Highway-Rail Grade Crossing Safety.* I would like to address the topic of safety issue, highway-rail grade crossings. The City of Lakewood sits on the new Point Defiance Bypass Rail line where the DuPont derailment occurred.

The city has 7 grade crossings within its city limits. They are understandably concerned about safety at these crossings given that over 30 percent of rail related fatalities occur at grade crossings.

*Question 2.* Mr. DeWeese, In November 2016, the FRA released their model for state highway-rail grade crossing action plans. The FAST Act requires the FRA to create a rule requiring state to submit their action plans. Can you update me on the status of this rule?

*Answer.* While we have reviewed grade crossing safety in the past, our office has not studied this topic in recent years. In the next few months, we will initiate an audit that will assess FRA's progress in advancing grade crossing safety, and we will be in a better position to provide an update at that time. We will reach out to your staff as we finalize our audit approach.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
RICHARD ANDERSON

*Question 1.* As you noted, many commuter rail passengers ride on trains that use the Northeast Corridor or connect to Amtrak trains.

a. Could you provide a comprehensive overview of Amtrak's interactions and planning to date with each commuter railroad that may not fully implement PTC by December 31, 2018 or qualify for an extension?

*Answer.* Amtrak has regular communication with the commuter railroads that use our infrastructure or on which we are a tenant through a cross-departmental approach aimed at allowing us to understand and prepare for likely outcomes as implementation and installation of positive train control (PTC) progresses throughout the year. As progress is made in PTC implementation, we adjust our planning and options based on the needs of Amtrak and individual commuter railroads and maintain strong coordination across our 46 state network through focused oversight of our Assistant Vice President of Operations.

More specifically, Amtrak's Engineering Department works with commuter railroads on a weekly and often daily basis. They discuss way-side installation, boundary locations and testing of the PTC system. This is important since all responsible parties need to be involved in testing to allow our equipment and teams to communicate effectively.

The Amtrak Mechanical Department works on a monthly or more frequent basis with the various commuter agencies to ensure there is regular progress on installation of relevant on-board hardware installed in the locomotives. Amtrak Operations also communicates monthly with the commuter agencies to monitor and update progress with implementation and installation of the overall PTC system.

At this point in time, we are confident that most commuter agencies relevant to the Amtrak network will qualify for extensions.

b. From both a safety and business perspective, could you speak in more detail to what you see as the impact of potential service cuts on the overall transportation network in the region?

*Answer.* At this time, Amtrak continues to assess the readiness of its commuter tenants on the Northeast Corridor and is working closely with all agencies to progress forward with implementation. We are not yet prepared to make any definitive statements on the outcome of their efforts to implement PTC and any impacts on past service this year as much of the necessary work is scheduled to be achieved this fall.

c. What information, if any, has FRA provided to you on how it expects to handle a tenant or connecting railroad not meeting the statutory deadline?

*Answer.* Amtrak continues to have regular discussions with FRA on how hosts manage PTC implementation with tenants and connecting railroads. The FRA's PTC symposiums have helped facilitate communication between tenants and hosts as well as clarifying expectations.

d. What guidance, if any, has FRA provided to you on how it expects Amtrak to handle a tenant or connecting railroad not meeting the statutory deadline?

*Answer.* Amtrak continues to have regular discussions with FRA on how hosts manage PTC implementation with tenants and connecting railroads, but have not received official guidance on this matter.

*Question 2.* As you know, Amtrak operates over host railroad track where a host railroad may not implement PTC by December 31, 2018, or qualify for an extension.

Following-up on a commitment at the hearing, please provide a list of the services, routes, or lines which may cease at the end of the year due to a host railroad not fully implementing PTC or not meeting the statutory deadline, and please detail the likelihood and underlying issues relevant for the decision.

Answer. There has been significant progress since the hearing on locations where Amtrak had concerns about a host's implementation schedule or ability to qualify for extensions or exemptions. Since the hearing, many of these concerns have been addressed and we have received significant information from hosts to confirm compliance or exemptions have been filed in accordance to the law.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO  
RICHARD ANDERSON

*Question 1.* Mr. Anderson, in your testimony you stated that "well timed, well run service between New Orleans and Mobile is a winner". I agree. You further stated that, "the question for reintroduction of that service from CSX was \$2 billion". As you know, the Gulf Coast Working Group, created by Congress in the FAST Act, identified the preliminary capital cost estimates for restoring service to Orlando, FL to be \$117,672,000, with annual operating cost estimates at \$5,480,000 for the long-distance route and \$6,970,000 for a twice daily State-supported route between New Orleans, LA and Mobile, AL. Amtrak was part of the working group and supported its conclusion.

Congress, in S. Rept 115-138, the Appropriations Committee report accompanying S. 1655, the FY18 Senate Transportation, Housing, and Urban Development Appropriations Act, endorsed the findings of the Gulf Coast Working Group when it stated the following:

*Gulf Coast Rail Service.—Section 11304 of the FAST Act required the Gulf Coast Working Group [GCWG], consisting of FRA, Amtrak, the Southern Rail Commission [SRC], railroad carriers, State and local governments, and others, to evaluate all options for restoring passenger rail service in the gulf coast region, select a preferred option for service, develop an inventory and cost estimate of capital projects to restore service, and identify Federal and non-Federal funding to restore service. The GCWG report, released on July 17, 2017, identified the preferred options as a daily long-distance route that extends Amtrak's existing City of New Orleans service from New Orleans, Louisiana to Orlando, Florida and a new daily State-supported route from New Orleans, Louisiana to Mobile, Alabama. The preliminary capital cost estimates for restoring service is \$117,672,000, with annual operating cost estimates at \$5,480,000 for the long-distance route and \$4,000,000 for the State-supported route. These cost estimates are dwarfed by the \$2,300,000,000 estimate previously determined by industry, which also raised concerns with on-time performance [OTP] requirements and delays at drawbridges. The Committee believes the GCWG report more accurately reflects these concerns and is a more realistic cost estimate, but directs Amtrak and DOT to continue working with the host railroad and the Coast Guard to refine cost estimates.*

a. Is your testimony in agreement with the Gulf Coast Working Group and Amtrak staff or is it supporting the CSX assessment?

Answer. My testimony was a reference to the wide gap, as also noted by the Appropriations Committee report, between CSX's proposal and the GCWG report. Like the Appropriations Committee, Amtrak believes that the GCWG report is a more accurate and realistic assessment of the host railroad-related challenges and solutions.

*Question 2.* Mr. Anderson, during the hearing, you further stated that Amtrak's "preference" and "incremental cost rights" are not properly enforced.

a. Please describe the impact of lack of enforcement of these rights on restored service between New Orleans, LA and Mobile, AL.

Answer. Lack of enforcement of Amtrak's rights, in particular preference over freight transportation, has led to a severe deterioration in the on time performance of Amtrak service. The largest cause of delay to Amtrak trains on host railroads is Freight Train Interference, typically caused by a freight railroad requiring an Amtrak passenger train to wait so that its freight trains can operate first. Host railroads often choose to delay Amtrak trains with hundreds of passengers on them in favor of their trains carrying coal, garbage, crude oil, empty freight cars, or any freight that the host chooses to prioritize. Very often, a host railroad will make Amtrak passengers follow the same slow freight train for more than 50 or even 100 miles.

During FY 2017, Amtrak trains were delayed by freight trains on host railroads almost 100,000 times. These delays totaled more than one million minutes (or 17,500 hours). These delays, which continue to increase at an alarming rate, threaten the viability of major portions of Amtrak's network and therefore threaten Amtrak's capability to expand service at all, including in the New Orleans-Mobile corridor.

Moreover, a New Orleans-Mobile service will not be successful if our customers, and your constituents, experience such delays on a regular basis.

b. Please describe your plan for addressing this issue.

Answer. Amtrak continues to exercise every available opportunity to collaborate with willing hosts to share data and otherwise work together to identify and address delays—whether due to Freight Train Interference or other factors. However, for such efforts to be fully successful, host railroads must be motivated to run Amtrak well. Unfortunately, this currently is not the case with some host railroads. Current law prevents Amtrak from taking action in response to host railroad violations of Amtrak's preference rights. Amtrak's FY2019 Legislative and Grant Request to Congress includes a proposal to correct this problem by allowing Amtrak a private right of action with respect to preference, so that Amtrak can protect its rights just as any other company would if its rights were being violated.

*Question 3.* Mr. Anderson: As you know, Senator Cochran and I, along with our colleagues from Louisiana and Alabama, are working to restore passenger rail service along the Gulf Coast. The Southern Rail Commission is currently pursuing a state-supported route between New Orleans, LA and Mobile, AL to restart service along the gulf coast. The long term goal is ultimately to add the long distance route to Orlando, FL.

a. It is my understanding that Positive Train Control (PTC) will be in place between New Orleans, LA and Mobile, AL on time. Please confirm whether this is true and, if not, please provide specific information about remaining gaps in installing PTC along this corridor.

Answer. The New Orleans to Mobile segment is not owned by Amtrak, but this is our understanding as well. The host railroad, CSX, should be able to provide an update on progress for implementation.

b. It is also my understanding that PTC may not be installed by the deadline on track that is east of Mobile, AL and which may one day be part of the long distance route to Orlando, FL. Can you confirm that a state-supported route from New Orleans, LA to Mobile, AL would not be impacted by the status of PTC on track east of Mobile, AL?

Answer. This segment is also not owned by Amtrak, but this is our understanding as well. The host railroad, CSX, should be able to provide an update on progress for implementation. You are correct that the status of PTC implementation east of Mobile will not impact the potential State Support service we are seeking to advance with the SRC to the west.

*Question 4.* Recently, Politico reported that a spokesman for the freight railroad Canadian National stated the railroad was scheduled to complete installation of PTC on time. The spokesman further stated that "the City of New Orleans corridor will be the first completed, and multiple subdivisions in the corridor are in revenue service demonstration."

a. Can you confirm that this is correct?

Answer. This segment is not owned by Amtrak. The host railroad, Canadian National, should be able to provide an update on progress for implementation.

b. If not, please provide describe the status of PTC on the City of New Orleans route and the impact upon Amtrak's revenue service on that route.

Answer. This segment is not owned by Amtrak. The host railroad, Canadian National, should be able to provide an update on progress for implementation. While we are in regularly communication with Canadian National, they would be able to provide the most accurate and up-to-date information on this route.

c. Please provide information describing the status of PTC on Amtrak's Crescent route and the impact upon Amtrak's revenue service on that route.

Answer. This segment is not owned by Amtrak, but Amtrak has completed interoperability testing on this route between Washington, DC and New Orleans. The Amtrak project schedule calls for beginning operations with PTC in the fall of 2018 after final software upgrades are ready.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO  
RICHARD ANDERSON

*Positive Train Control.* Mr. Anderson, Florida relies on Amtrak service to provide access to long-distance rail service for many cities.

*Question 1.* What is the status of positive train control on routes you travel in Florida? When will it be implemented?

Answer. There has been significant progress since the hearing on locations where Amtrak had concerns about a host's implementation schedule or ability to qualify for extensions or exemptions. Since the hearing, many of these concerns have been addressed and we have received significant information from hosts to confirm compliance or exemptions have been filed in accordance to the law. In Florida, we are working with both the South Florida Regional Transportation Authority and SunRail as they progress forward in their work to achieved Alternate Schedules for implementation from the FRA. Assuming that such schedules are granted, Amtrak is undertaking hazard analysis and risk mitigation plans for operations over the territory until PTC becomes operational.

*Grade Crossing Safety.* Panel, my state continues to top the list for grade crossing collisions and fatalities. In recent months, we have seen a renewed problem with grade crossing safety following the start of higher speed rail service.

*Question 2.* What steps should we be taking to better address grade crossing safety?

Answer. We continue to look for opportunities to address grade crossing safety and we have long supported outreach programs. The most prominent program is "Operation Lifesaver," a nonprofit public safety education and awareness organization dedicated to reducing collisions, fatalities and injuries at highway-rail crossings and trespassing on or near railroad tracks. However, more needs to be done and we still believe the safest grade crossing is the one that does not exist. Several of the host railroads have programs in place that financially incentivize communities to remove public grade crossings and we strongly believe that more funding and focus on upgrading those grade crossings that necessary with enhanced traffic control and safety features is justified. Similarly, where new public grade crossings are introduced it is imperative that active warning devices are installed.

*Washington State Crash.* Mr. Anderson, the Amtrak derailment in Washington State is eerily similar to the 2015 derailment in Philadelphia. In the last transportation bill, Congress mandated that railroads evaluate curves where the speed drops in hopes of preventing a similar crash.

*Question 3.* Did Amtrak evaluate the curve near DuPont, Washington prior to starting service? What actions did you take to address it?

Answer. In light of the open and ongoing NTSB investigation we are unable to provide this information at this time. It is important to note that the NTSB has publicly released that had an automatic-braking system been operational, it would have applied the brakes to slow and stop the train.

*Question 4.* Could a derailment like the one in Washington State happen in Florida or elsewhere? What steps are you taking to prevent that from happening?

Answer. The possibility of a train derailment is present across the Nation's railroad network from a variety of possible risk areas. However, many of the recent accidents involving Amtrak trains have involved over-speed situations that Positive Train Control could have prevented. Thus, we believe PTC or the application of technology and operating practices that achieves PTC-equivalency must be standard for all Amtrak routes and that this technology will make the entire U.S. rail network safer for passengers, railroad employees, and communities. While some question the need for PTC on low-density territory, our recent experience has shown that over-speed relative to signal indications and permanent or temporary speed restrictions is a significant risk and this risk exists regardless of traffic levels on a given route. As the leader in the installation of PTC for decades, having already deployed systems across nearly all of tracks we control, we have strong corporate experience with both the benefits of having PTC installed and the risks associated with its absence.

For the tracks we use but do not own or control, we are cooperating with our freight and commuter host railroads as they advance their obligations to complete PTC installations, which are required either because of the presence of passenger trains or certain hazardous material. Additionally, the various freight and commuter railroads that operate over Amtrak's infrastructure must equip their rolling stock with PTC for use on our infrastructure and we are working cooperatively with them to advance these tasks.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
RICHARD ANDERSON

*Speed Limit Action Plans.* Mr. Anderson, the FAST Act requires passenger railroads to come up with speed limit action plans for any place there is a speed reduction of 20 miles-per-hour or greater. Speed limit action plans are meant to help prevent incidents like the Amtrak Cascade Train 501 derailment in DuPont, WA by creating numerous warnings for the engineer that they need to reduce their speed.

*Question 1.* Had Amtrak created a speed action plan for the curve in DuPont, WA, where the derailment occurred?

Answer. In light of the open and ongoing NTSB investigation we are unable to provide information related to the 501 derailment. However, Amtrak did comply with the FAST Act requirements for speed limit action plans.

*Question 2.* Can you explain what measures were in place to warn the engineer that he needed to reduce the speed of the train?

Answer. The information publicly released by the NTSB confirmed that a 30 mph speed-limit sign was posted on the engineer's side of the train to remind engineers about the upcoming curve. It was posted two miles before the curve.

*Question 3.* Can you identify what you are doing to learn from this derailment to update all your speed limit action plans?

Answer. We have and will continue to review our speed limit action plans. The need for full implementation of Positive Train Control is critical. PTC will prevent over-speed derailments. PTC must be standard for all Amtrak routes and this technology will make the entire U.S. rail network safer for passengers, railroad employees, and communities. Amtrak is a leader in the installation of PTC, having already deployed systems across nearly all of tracks we control.

For the tracks we use but do not own or control, we are cooperating with our freight and commuter host railroads as they advance their obligations to complete PTC installations, which are required either because of the presence of passenger trains or certain hazardous material. Additionally, the various freight and commuter railroads that operate over Amtrak's infrastructure must equip their rolling stock with PTC for use on our infrastructure and we are working cooperatively with them to advance these tasks.

In addition, Amtrak established system wide qualifications standards for our train and engine personnel and is in the process of expanding our use of simulation for training and route qualification.

*Highway-Rail Grade Crossing Safety.* I would like to address the topic of safety issue, highway-rail grade crossings. The City of Lakewood sits on the new Point Defiance Bypass Rail line where the DuPont derailment occurred.

The city has 7 grade crossings within its city limits. They are understandably concerned about safety at these crossings given that over 30 percent of rail related fatalities occur at grade crossings.

*Question 4.* Mr. Anderson, can you tell me how Amtrak is working to make highway-rail grade crossings safer?

Answer. We continue to look for opportunities to address grade crossing safety and we have long supported outreach programs. The most prominent program is "Operation Lifesaver," a nonprofit public safety education and awareness organization dedicated to reducing collisions, fatalities and injuries at highway-rail crossings and trespassing on or near railroad tracks. However, more needs to be done and we still believe the safest grade crossing is the one that does not exist. Several of the host railroads have programs in place that financially incentivize communities to remove public grade crossings and we strongly believe that more funding and focus on upgrading those grade crossings that necessary with enhanced traffic control and safety features is justified. Similarly, where new public grade crossings are introduced it is imperative that active warning devices are installed.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
RICHARD ANDERSON

*Implementation of Positive Train Control.* Mr. Anderson, under one scenario, Metro-North completely implements PTC by December 31, 2018. That's the only acceptable option in my book.

Under a second scenario, Metro-North does just enough to get a series of extensions of the deadline to implement from the FRA—known technically as the "alternative schedule."

I want to consider the impact of a third, nightmare scenario: Metro-North fails to qualify for any extension at all. In that scenario, several things would happen.

Metro-North should be properly penalized. But Metro-North would not be the only railroad affected by its failure to comply with the law. Amtrak would be, too. If Metro-North's track isn't PTC-compliant, I understand Amtrak will need to act accordingly. That means Amtrak service could completely cease on track in Connecticut from the New York border to New Haven. That could sever one of the country's key transportation arteries, leading to even more congestion on the highways and in the air up and down the Eastern Seaboard.

In your testimony you envision this problem. You state, "For any such route segments" without PTC implemented or having failed to qualify for an "alternative schedule." "Amtrak will suspend operations until such time as the carrier becomes compliant with the law."

*Question 1.* Does this statement apply to Metro-North?

Answer. At present, we believe that Metro-North will qualify for an extension but we recommend you seek confirmation of this status with them directly. As you know, Amtrak will conduct risk assessments for all routes which do not have operable PTC by December 31, 2018. The risk assessment outcome will result in developing operational and/or technological recommended enhancements on a route-by-route basis that we can deploy until PTC is operational. However, if Metro-North were to fail to qualify for an extension at all, Amtrak would not be able to operate over their infrastructure.

*Question 2.* What would happen to the riders who depend on Amtrak service between New York and Boston if Metro-North fails to implement PTC by December 31, 2018, or qualify for any extension?

Answer. Amtrak does not have a plan at this time since we have been informed by Metro-North that they expect to meet the deadline or file for an extension. However, this segment is not owned by Amtrak. The host railroad, Metro-North, should be able to provide an update on progress for implementation.

*Question 3.* Are you confident that in 2019 you will be able to continue service on tracks you currently use between New York and Boston?

Answer. Yes.



security to protect the American public and the environment. This includes full consideration of operational, infrastructure, technological, and sustainable advancements. Dow is committed to Responsible Care®, the chemical industry's world-class environmental, health, safety, and security performance initiative. Our carriers, including our road carriers, demonstrate this same safety commitment through the Responsible Care® Partnership program.

With any legislative or regulatory actions, Dow believes they must be data-driven and supported by a sound cost-benefit analysis. There appears to be data available in support of a safe and sustainable shift to the Twin 33. We referenced a study commissioned by Americans for Modern Transportation entitled "Twin 33 Foot Truck Trailers: Making U.S. Freight Transport Safer and More Efficient", which cites data published in the Federal Highway Administration's 2015 study entitled a "Comprehensive Truck Size and Weight Limits Study".

Based on the Americans for Modern Transportation study, it appears there would be benefits to the U.S. freight system, economy and the American public. Dow understands a Twin 33 would supplant a Twin 28 currently utilized on our Nation's highways, and would not supplant trucks currently traveling through busy small and medium-sized towns and winding mountainous roads like the ones in New Hampshire.

Safety benefits include fewer trucks, fewer trips, better enforcement to ensure the safety of other trucks, improved high-speed dynamics compared to a Twin 28, and leading safety technology. Dow understands that mileage exposure is the single biggest factor driving year-to-year changes in crashes, injuries and fatalities associated with motor vehicle travel, including truck travel. Fewer trucks on our roads could also reduce effects on our transportation infrastructure.

In 2016, Dow launched our 2025 Sustainability Goals. Sustainability benefits of the Twin 33 include better fuel efficiency and environmental benefits, saving 255.2 million gallons of fuel, and reducing carbon and nitrous oxide emissions by nearly three million tons and one billion grams, respectively. These emissions reductions would be equivalent to taking 551,000 cars off our Nation's roads.

Operational and societal benefits include increasing volume capacity by 18.6 percent without a maximum weight increase, reduced traffic congestion, and alleviating the driver shortage while providing higher-quality and more stable jobs for drivers. These benefits would allow Dow to make our supply chain more efficient, while making transportation safer and more sustainable.

Thank you once again for recognizing the chemical industry as a principal stakeholder in developing policies that can keep our economy moving. We must ensure our Nation has a safe, secure, and sustainable network to deliver our products when and where they are needed. Please let me know if you should have any additional questions.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO  
WICK MOORMAN

*Question 1.* Mr. Moorman, in your testimonies you each discussed reforms in the FAST Act that streamlined the environmental review process and removed some of the red tape on routine infrastructure and asset maintenance. Would you please elaborate on the types of challenges your railroads face when attempting to build or improve its infrastructure? Are there ways that Congress can improve on the work within the FAST Act?

*Answer.* We appreciate the efforts of Congress, and specifically this Committee, to streamline the environmental review process, providing rail parity with other modes of transportation. While we have a multi-step process for building and improving infrastructure, our greatest challenge remains our access to direct Federal funding for critical infrastructure projects throughout our system that require dedicated funding to help move these processes along. In some cases, even with a streamlined process for environmental review, the long absence of Federal support for a project will allow the assessment to lapse and require us to restart permitting and reviews that expire. We continue to request additional predictable and dedicated funding for our critical infrastructure investments as I outlined in my testimony.

*Question 2.* As we enter into a new administration and a new Congress, how can we improve the regulatory process at agencies to move towards outcome, or performance-based regulations with better data? As you are aware, in the FAST Act, I authored measures to reform the Federal Motor Carrier Safety Administration to ensure more participation and a stronger cost-benefit analysis. Are there specific changes you would hope to see across the DOT to improve the regulatory process?



Answer. In general, we support improved regulatory processes and better data. However, each proposal must be carefully weighed for its potential benefit to improved safety of the passengers and workers in our rail system, based on new and proven technologies available to the rail industry, and the funding to support such changes to the regulations that guide our daily action. We are happy to work with Congress and FRA to identify potential improvements. Better data will always be a welcome addition and criteria for our decision making in identifying these improvements.

*Question 3.* Mr. Moorman, I greatly appreciate the depth of private sector railroad experience you bring to Amtrak. Would you please talk about some of the positive reforms you are making at Amtrak's corporate structure, operations, and business objectives? For example, in early January you took efforts to consolidate the leadership structure at Amtrak.

Answer. It is vital for us to capitalize on the success of Amtrak over the past 10 years. We have an opportunity to build an even more efficient and effective company that can facilitate, organize and operate best-in-class passenger rail services throughout the United States. To do so, we needed to be structured properly and I streamlined and improved our reporting structure to reflect that desired outcome.

We have a new organizational structure for Amtrak that will enable us to create greater product and customer focus, along with strengthening accountability and decision making throughout our company. This new structure aligns with our focus to improve the way we do business, modernize and enhance the customer experience, and invest in our future. These changes are a necessary first step to driving the five key objectives that we believe are critical to our long-term success:

- Building a world-class safety culture with a relentless focus on training, risk-reduction, positive reinforcement and personal accountability;
- Developing and consistently providing competitive products and services;
- Creating the teams and processes necessary to serve and grow our customers across all business segments;
- Gaining support for and delivering on investments that sustain, improve and grow our business; and
- Harnessing innovation, technology and partnerships to enhance and accelerate our business.



QUESTIONS FOR THE RECORD FROM SENATE COMMERCE  
HEARING ON IMPLEMENTATION OF POSITIVE TRAIN CONTROL WITH SCOT NAPARSTEK

**Questions for the Record Submitted by Chairman John Thune to Scot Naparstek**

*Question 1. What is the status of testing interoperability between Amtrak and its hosts and what is the timeline on which Amtrak expects to complete testing, particularly in the Chicago region?*

Amtrak is interoperable with BNSF, UP, CSX, NS, Metrolink, and NCTD. Amtrak plans to continue testing with the 18 other non-interoperable railroads, with the majority of testing being completed by the end of 2019. Currently, Amtrak plans to be PTC ready in Chicago early in the second quarter of 2019, with interoperability testing completing toward the end of the second quarter of 2019.

*Question 2. Amtrak has stated that it is conducting risk assessments to develop mitigation measures on portions of track without a functional PTC system. For portions of track without PTC currently in use but where its implementation is planned, such as along the California Zephyr route from Denver to Salt Lake City, what is the status of Amtrak paying costs of implementation, and when will Amtrak make a determination as to whether it will pay such costs?*

We are currently in negotiations with the Union Pacific on Amtrak's costs.

*Question 3. Amtrak's testimony mentioned that it plans to take a risk-based approach to operating on lines of varying PTC implementation statuses after the first of the year. Should Amtrak riders plan to experience loss of service in any particular locations following the end-of-the year deadline?*

At this time, Amtrak does not anticipate any disruption to service after December 31, 2018.

**Questions for the Record Submitted by Ranking Member Bill Nelson to Scot Naparstek**

*Positive Train Control. Mr. Naparstek, Florida relies on Amtrak to provide long-distance service to many of its cities. I understand that Amtrak has had challenges implementing positive train control (PTC) on tracks owned by host railroads that have not themselves installed the safety systems.*

*Question 1. What will Amtrak do if PTC implementation does not occur on Florida routes owned by other railroads before the 2018 deadline?*

To prepare for operations where PTC is not in service, Amtrak has been conducting detailed risk assessments to enable us to develop an appropriate array of risk mitigation measures to address those areas that are not mitigated by a functional PTC system, consistent with our Safety Management System methodology. We plan to run current service on all Florida routes after the 2018 deadline.

*Question 2. FRA has raised concerns about Amtrak's ability to meet the PTC deadline and considers the railroad to be high risk. Will Amtrak meet the deadline? Please describe what challenges Amtrak is facing in implementing PTC.*

Due to the FRA's addition of including Amtrak's transponders in the total hardware count, Amtrak appeared to have under 95% of hardware installed as of September 30, 2018. Since then, however, Amtrak has installed all remaining hardware, and is therefore not at risk. Amtrak has 100% of hardware installed and, as such, was able to submit the application for the alternative schedule.

*Question 3. Please provide an overview of the PTC employee training program including what it consists of (such as video and hands-on training activities) and the number of training hours and other factors (such as successful completion of an exam) for an employee to be considered fully trained.*

Training courses include PTC system type training, management of the wayside equipment, troubleshooting, overviews, train rides, and operating rules. The training for locomotive engineers is no less than 8 hours in length. It includes in-classroom training, written assessments, demonstrations, documentation of participation, and operational performance assessments. The operational performance assessment consist of a supervised train ride with the PTC system active and enforcing that is no less than 100 miles in length. For yard employees the operational assessment is no fewer than 4 hours. To date Amtrak has trained over 5,000 personnel.

*Amtrak Service. Amtrak is charged with maintaining a national rail network; however, some have raised concerns about Amtrak's commitment to long-distance service.*

*Question 4. Does Amtrak intend on maintaining current service levels on all routes in the National Network?*

Yes, Amtrak plans to continue the current Long Distance routes we operated in FY2018 in FY2019.

*Question 5. What are Amtrak's long term plans for long-distance routes? Is Amtrak committed to the sustainment and development of its long-distance routes that often service communities with no other, or very few, transportation options?*

Amtrak will submit its next iteration of its long distance five year plans in February 2019, consistent with its statutory requirement to do so. At present, we anticipate that any Amtrak proposals for major changes to the national network or intercity passenger rail policy will be provided to Congress as part of the reauthorization of the FAST Act.

*Question 6. Does Amtrak expect to further reduce onboard or clerk services and if so, why? If there were reductions, which services and how many jobs would be affected? Would these positions be outsourced and does Amtrak plan to retrain displaced employees for other roles within the organization?*

Amtrak is always interested in improving our customer experience and becoming more efficient throughout our system. Relative to our food and beverage offerings, Congress explicitly required us to vastly improve the financial performance of these amenities by eliminating all associated losses by December 2020. Achieving such a mandate would require us to significantly change our model and experiment with new approaches to serving the needs of our customers during their journey. We are moving to a general hospitality environment that is modernized and efficient. We want to put emphasis on what the new generation of traveler expects from an experience. We want the customer to have a greater say on where, when and how they dine, whether that is communally, in their sleeper, alone with their media devices or a combination of all of the above during their journey. We are testing less structure – more individualization.

*Question 7. All Amtrak employees are trained to act as on site emergency responders in emergency situations. How will cuts in reservation or food and beverage staff impact Amtrak's ability to respond to incidents and has Amtrak factored this into its safety plans?*

Amtrak takes very seriously appropriate safety considerations in our determination of crew size. We currently provide on-board service (OBS) personnel with first aid and CPR training during their initial training. After initial training every other year OBS personnel continue to receive emergency preparedness training covering rail equipment familiarization; situational awareness; passenger evacuation; coordination of functions; and “hands-on” instruction concerning the location, function, and operation of on-board emergency equipment. Appropriate staffing levels have always been included in our safety protocols. Since conductors and engineers have primary responsibility for emergency response on a train, we do not believe that changes in general OBS personnel levels impacts our ability to sufficiently respond to an incident.

*Safety. Mr. Naparstek, as you know, Amtrak has had significant safety challenges. Since 2013, train crashes, derailments and other incidents have injured nearly eight hundred passengers and six hundred employees according the Department of Transportation inspector general. I understand that one way you are trying to address this is by providing a way for Amtrak employees to voluntarily report safety incidents.*

*Question 8. How will you ensure that Amtrak employees feel confident that they can report incidents without being penalized?*

Amtrak long had a policy prohibiting intimidation and harassment of employees that report safety concerns and issues. At all levels within the organization, we remain committed to compliance with our policy and regularly perform audits to ensure the policy is effective. Amtrak participates in federal programs (FRA's C3RS) which ensure confidentiality in reporting through the use of a third party reporting processor (NASA). Reports received are investigated by a peer review team.

We continually undertake efforts to advance our Just Culture initiatives. Recent activities include expanding internal options for reporting concerns and incidents which offer not only

confidentiality for reporters but also permit avenues for anonymous reporting. We communicated our commitment to Just Culture principles with our workforce as we work to imbed and expand a culture of organizational learning.

### **Questions for the Record Submitted by Senator Cortez Masto to Scot Naparstek**

*Progress on Coordination for the California Zephyr. I was glad to hear from you during our conversation at the hearing that the California Zephyr is expected to be fully PTC compliant by the deadline, and that this will come without a specific impact to the current route schedule and service. That will be incredibly appreciated by our 88,000 Nevada riders. One question that has arose however is about an over 150 mile segment of that line, from Grand Junction, CO to parts of Utah, that my office has been made aware will not have functional PTC at any point because it currently experiences an exemption to the PTC mandate.*

*Question 1. Can you please confirm the accuracy of this situation?*

Grand Junction to Mounds (Green River Subdivision) is Union Pacific territory, over which Amtrak is a tenant. It was granted a mainline track exclusion addendum (MTEA) by the FRA. Amtrak conducted a detailed risk assessment to enable us to develop appropriate risk mitigation measures to address that area since it is not mitigated by a functional PTC system.

*Question 2. If this exemption exists, please describe what the specifics are to the situation of this exemption.*

This MTEA was granted under the CTC (centralized traffic control) rule. In CTC territory, trains move on signal indication, and double track CTC permits movement on either track in either direction under signal control.

*Question 3. If this exemption exists, please detail exactly what alternative safety efforts will be employed on this segment of the line and how these modifications in your operation won't change the current operating schedule of the Zephyr line.*

Amtrak plans to employ a technology solution to enhance location based situational awareness for conductors and enhance the existing onboard systems to provide alerts and enforcement of authorized speeds to mitigate not having PTC implemented on this territory.

## APPENDIX

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QUESTIONS FROM HON. ERIC A. "RICK" CRAWFORD TO WILLIAM FLYNN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

### A. Schedules & On Time Performance (OTP)

*Question 1.* Is it correct that no segment of a schedule should be shorter than the minimum achievable run time for the segment?

*ANSWER.* Schedules are designed with the following components:

- **Pure Running Time:** The least amount of time that a passenger train will take to operate between two points over the train's optimal route, operating at maximum authorized speeds with the most favorable possible signal aspects on that route.
- **Recovery Time:** Time added to the schedule to help a train "recover" to the published schedule in the event that it encounters delays.
- **Miscellaneous Adjustment:** Additional recovery time in the schedule, typically for a specific reason, such as a planned meet with another passenger train.
- **Dwell Time:** Time scheduled at station stops for passenger detraining and boarding and any required servicing of the train or crew changes.

The minimum possible scheduled time for a given segment between two stations will be equivalent to the Pure Running Time of the segment, however, many segments also include additional Recovery Time and Miscellaneous Adjustment minutes to absorb delays experienced by the train.

*Question 2.* Please provide a table showing the minimum run time for each Amtrak train. Please include within the table the last time the minimum run time was validated against the present schedule in coordination with the host for each Amtrak train.

*ANSWER.* Please see the attached exhibit that provides the Pure Running Time and total scheduled time by train. All train schedules in operation have been agreed upon with each host railroad over which the train operates. The Pure Running Time of a segment is periodically updated at either the host railroad's or Amtrak's request.

*Question 3.* If operations remain unchanged, but your schedules are lengthened, could that improve Amtrak's On Time Performance (OTP)?

*ANSWER.* Lengthening the schedule inevitably changes the operation; when a schedule is modified, the host railroad is required to dispatch the Amtrak train differently in order to meet the new schedule. Lengthening the schedule allows for additional time to delay the train and inconveniences our passengers who would otherwise be able to travel to their destination in less time. And of course, lengthening the schedule costs Amtrak and its passengers more time, money and inconvenience.

The premise of this question fails to recognize the historical reality: when Amtrak has lengthened schedules in the past, on-time performance has become worse. For example, after the on-time performance of the *Sunset Limited* plummeted due to increased freight train interference in the early 2000s, Amtrak lengthened the train's schedule by approximately three hours eastbound and more than two hours westbound in the hope that this would improve OTP. Unfortunately, performance deteriorated further: OTP fell to just 4% in 2004 and ridership dropped due to chronic delays and the longer schedules, which required that key markets such as Mobile and the Mississippi Gulf be served in the middle of the night. See also the response to Question C1, which describes the similar deterioration in the on-time performance of VIA Rail Canada's *Canadian* after major schedule lengthening. Schedule lengthening is not an antidote to poor OTP.

*Question 4.* Amtrak seems to emphasize faster service as more important than strong OTP. How does Amtrak assess the trade-off between modestly longer schedules and higher OTP?

*ANSWER.* Amtrak's statutory mission requires schedules that are both trip-time competitive with other modes of travel and operated with a high degree of reliability. Amtrak has made significant changes to schedules when justified, but often host railroad claims that schedules should be lengthened are not supported by data or experience.

While some host railroads assert there is a trade-off between longer schedules and on-time performance, that is a false choice. Current schedules already include plenty of "pad" to absorb delays and lengthening schedules provides more opportunity to delay passengers. Further, what some host railroads deems to be a "modest" schedule change has historically included the addition of as many as several hours to the schedule—drastic and unnecessary schedule changes when OTP could be improved by simply enforcing the law that ensures Amtrak trains receive preference on freight railroads.

Amtrak is required by statute to offer "efficient and effective intercity passenger rail mobility consisting of high-quality service that is trip-time competitive with other intercity travel options." Statute also requires that Amtrak "operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables" and "implement schedules based on a system-wide average speed of at least 60 miles an hour that can be achieved with a degree of reliability and passenger comfort."<sup>1</sup>

For many of Amtrak's trains, schedules already reflect an average speed that is far below 60 miles per hour and offer limited trip-time competitiveness. Communities and passengers across the country deserve intercity passenger rail service that meets the standards set forth under law and schedules must be designed accordingly.

*Question 5.* A significant problem with measuring Amtrak customer OTP is that it involves using Amtrak schedules that are badly outdated and inaccurate. Will you commit to ensuring that these schedules are accurate and updated, including lengthening as necessary, especially when used to enforce OTP?

*ANSWER.* All schedules in operation have been agreed upon with every host railroad and state partner associated with each train. Amtrak and host railroads discuss schedules frequently—every week, in the case of several host railroads—and schedule modifications are regularly implemented, including changes for host railroad maintenance activities. Schedule accuracy is also tested regularly using statistical analysis and ride study programs. It would not be correct to say that Amtrak schedules are outdated and inaccurate.

The customer OTP metric accurately reflects the customer experience, in that it provides the percentage of customers that arrive at their detraining station on time, which also allows for a grace period of 15 minutes, in addition to the recovery time "pad" included in the schedule. Amtrak has used the customer OTP metric as our internal measure of reliability since October 2018 and has engaged host railroads since then to seek to adjust schedules as needed to ensure the schedules are aligned with the metric. In addition, Amtrak is not opposed to lengthening schedules, provided Amtrak trains are receiving the preference over freight transportation required by law. We are not willing to inconvenience our customers solely to allow freight railroads to put freight ahead of people.

*Question 6.* Do you agree that if a State sponsor prefers to trade off a shorter or longer schedule for greater OTP for its state-supported route, and it is willing to bear any additional associated costs and the host is agreeable, you should honor the State sponsor's wishes? If you do not agree, please explain why. If you do agree, please provide an example where this has occurred.

*ANSWER.* All schedules for state supported trains are approved by the respective state partners and designed to meet their transportation needs. If the state partner would prefer a longer schedule and is aware of all the cost implications, and the host railroad is providing Amtrak trains with preference over freight transportation, Amtrak would be agreeable to implementing such a change. There are many examples of state supported schedules being modified, including lengthening the schedule, to accommodate host railroad maintenance of way projects, such as several Michigan Service trains this summer. However, the more frequent scenario that we encounter is a host railroad refusing to agree to implement schedules that state partners propose or support.

<sup>1</sup> See 49 U.S. Code § 24101.

*Question 7.* The data for measuring Amtrak train performance is collected by Amtrak. To ensure proper monitoring of train performance and improved OTP, will you commit to sharing with your hosts real-time station-specific ridership data, historic station-specific ridership data, and Amtrak's projections of future station-specific ridership data?

*ANSWER.* There is no "real-time" station-specific ridership data available. Amtrak passengers can book reservations and purchase tickets up to and even after they board an Amtrak train.

Amtrak already provides host railroads with the following:

- Direct access to the Amtrak network and its on-time performance and delay database, which includes:
  - Real-time and historical delay entries for every train in the Amtrak network.
  - Real-time and historical station arrival and departure times for each train.
  - Real-time and historical train status reports for any train.
  - Reports that provide real-time accounting of updates and source information for delay entry data and station times.
  - Reports that provide historical arrival and departure information for any station by train and by route.
- Some host railroads have opted to receive a data feed throughout the day (nearly real-time) that provides all delays, train status information, Amtrak crew information, and other data directly to host railroad systems of their choosing.
- Daily customer on-time performance report that includes the customer on-time performance for each train traveling over the host railroad for the prior day, month to date, quarter to date, and fiscal year to date.
- Quarterly ridership report that shows the number of detraining passengers by station for each train for each of the preceding four quarters.
- Daily ridership data by train and station, subject to execution of a nondisclosure agreement to prevent disclosure of this commercially sensitive data.

#### *B. Preference and Coding of Delays (FTI/HRD)*

*Question 1.* The freight railroads claim to give Amtrak's trains the highest traffic priority on their lines. What more do you think freight railroads should do in order to meet their obligation to provide preference to Amtrak's trains? Are railroads required to hold freight traffic even if it is not necessary for the Amtrak train to arrive on time in accordance with its schedule?

*ANSWER.* Freight train interference caused *1 million minutes of delay* to Amtrak trains in FY 2019, which demonstrates that on many host railroads Amtrak trains are not receiving the preference over freight transportation required by law, despite any claims by host railroads to the contrary. On any given day, Amtrak trains are directed into sidings to allow freight trains to pass. While a freight railroad may claim this represents their "highest priority" this is not acceptable for Amtrak passengers trying to get to a business meeting or to visit a relative. Recovery time is included in all schedules to absorb delays encountered by a train. However, if there is sufficient time in the current schedule for a freight train to delay an Amtrak train and still arrive on time, that schedule would be a strong candidate for shortening the schedule to offer passengers and communities a more trip-time competitive and effective transportation service.

*Question 2.* Is it correct that when the Surface Transportation Board (STB) proposed a policy regarding preference it did not agree that preference is absolute (i.e., always requiring that Amtrak trains go first, even where no explicit exception to preference applies) (See *Ex parte* 728 (December 28, 2015))?

*ANSWER.* This is incorrect insofar as it fails to account for the fact that the STB later withdrew the proposed Policy Statement.

On December 28, 2015 the STB issued a "proposed Policy Statement" (Proposal) in Docket No. EP 728 regarding STB investigations of poor on-time performance, which it characterized as "a potential starting point for parties to consider when developing evidence" for OTP investigations, and stressed that the Board was "not making any binding determinations." The STB sought public comment on the Proposal, so that interested parties "may suggest other interpretations" of Amtrak's preference rights as it pertained to OTP investigations. The Proposal was a severe departure from the clear language of the statute, as well as positions of the DOJ and other agencies regarding the meaning and effect of Amtrak's right to preference.

Indeed, on July 28, 2016, *the STB withdrew the proposed Policy Statement*, stating that its approach to preference issues would be "developed and refined in the context of specific" STB OTP investigations. Any statements in the Proposal regarding how the Board would interpret Amtrak's statutory right to preference are therefore null and of no effect. The Board has not issued any decision or guidance interpreting the scope of Amtrak's statutory right of preference since then.



*Question 3.* Do you know how many minutes the freight railroads delayed their own trains due to Amtrak? If the railroads are delaying their own trains much more than they are delaying Amtrak, does that suggest that they are providing Amtrak with preference?

*ANSWER.* While Amtrak has repeatedly sought basic information from freight host railroads regarding the operating plans and performance data for their freight trains, analogous to information that Amtrak provides host railroads for its own trains, nearly all requests are denied even when there is a non-disclosure agreement in place intended specifically to cover this type of information.

If any host railroad believes that providing preference to Amtrak materially lessens the quality of freight transportation provided to shippers, the law allows the host railroad to apply to the Surface Transportation Board for relief from the obligation to provide preference. Not one host railroad has ever sought such relief.

*Question 4.* Your written testimony stated that it does not make economic sense for Amtrak to expend capital funding to operate “nearly empty trains” (See Written Testimony at pg. 9). Does that same principle prove that freight railroads should not be required to park and hold their trains in the name of absolute preference to allow Amtrak’s “nearly empty trains” to proceed without delay?

*ANSWER.* The referenced testimony stated that “[u]sing scarce capital funding to operate nearly empty trains *would* not be productive.” (Emphasis added.) As the testimony indicated, Amtrak does not intend to do that. Instead, we have adjusted service frequency on all our services to reflect greatly reduced passenger demand due to COVID-19. The trains we are operating on our host railroads continue to carry a significant number of passengers—and those passengers are no less important. Every passenger has a right to arrive at their destination on time.

*Question 5.* On page 7 of your written testimony you state that long distance passengers bear the brunt of host “railroads’ inability or refusal to obey the law” regarding Amtrak preference. Please elaborate on what is meant by “inability.” Further, please explain how you can claim a “preference” requirement has been violated in a situation where a host is unable to obey it.

*ANSWER.* Amtrak trains sometimes do not receive preference over freight trains due to the poor training or overwork of dispatchers, rather than a deliberate decision or practice of giving freight trains preference over Amtrak trains. Fatigue or insufficient training are not excuses for violating the laws and regulations governing railroad operations—or, for that matter, for violating traffic laws. Some railroads have claimed inability to provide preference but have offered no evidence of that. If a railroad was truly unable to give Amtrak trains preference over freight trains without materially lessening the quality of freight transportation it provides to shippers, the statute (49 USC 24308(c)) allows the railroad to ask the Surface Transportation Board (STB) to establish preference rights of freight and Amtrak trains on reasonable terms. No railroad has ever made such a claim to the STB.

*Question 6.* Does Amtrak have evidence that host railroads are not following the law that requires them to give preference to Amtrak? If so, please provide this evidence and documents to the Subcommittee. Over the last 30 years, have any of Amtrak’s host railroads been found by a court or agency to have violated its preference obligation?

*ANSWER.* Freight train interference is the largest cause of delay to Amtrak trains traveling on host railroads. The high level of freight train interference on some host railroads demonstrates that they are prioritizing freight trains over Amtrak trains, a violation of Amtrak’s legal right to preference.

While other organizations can defend themselves when their rights are being violated, only the United States Attorney General can enforce Amtrak’s right to preference, which is why Amtrak supports preference enforcement legislation currently under consideration in Congress.

The Department of Justice found in 1979 that the Southern Pacific was not providing Amtrak preference, despite the Southern Pacific’s claims to the contrary, and brought an enforcement action that resulted in a consent decree. We believe a similar conclusion would be reached if there were a court or agency proceeding today to determine whether some host railroads are giving preference to Amtrak trains.

*Question 7.* Your written testimony states that “the leading cause of delays to [y]our long distance network is the failure of some of [y]our host railroads to comply with th[e] longstanding legal obligation to provide Amtrak trains with preference over their tracks.” (Written Testimony at pg. 7). However, data reviewed shows that Freight Train Interference (FTI) is not the greatest cause of Amtrak train delay.

*ANSWER.* The evidence clearly supports the statement that the leading cause of delays to our long distance network is the failure of some of our host railroads to

comply with their longstanding legal obligation to provide Amtrak trains with preference over their tracks, as shown in the table below.

**CY 2019 Delay Minutes by Delay Type for Long Distance Services**

Responsible Party	Delay Code	Delay Description	Delay Minutes	Percentage of Total
Host Railroad	FTI	Freight Train Interference	657,910	27%
Host Railroad	DSR	Slow Orders	341,760	14%
Host Railroad	PTI	Passenger Train Interference	212,517	9%
Amtrak	SYS	Crew and System	193,852	8%
Host Railroad	DCS	Signals	166,203	7%
Amtrak	HLD	Hold for Passengers or Baggage	121,448	5%
Amtrak	SVS	Servicing	100,991	4%
Host Railroad	RTL	Routing	99,330	4%
Third Party	WTR	Weather	79,484	3%
Amtrak	ENG	Engine	74,037	3%
Amtrak	OTH	Other	60,055	2%
Amtrak	ADA	Hold for Passenger Mobility	58,630	2%
Host Railroad	CTI	Commuter Train Interference	51,662	2%
Host Railroad	DMW	Maintenance of Way	46,105	2%
Amtrak	CON	Connection Hold	34,373	1%
Third Party	TRS	Trespasser	34,236	1%
Third Party	POL	Police Hold	33,401	1%
Amtrak	ITI	Late Inbound Train	26,966	1%
Amtrak	CAR	Car Mechanical Issue	17,950	1%
Host Railroad	DTR	Detour	14,174	1%
Third Party	DBS	Debris	10,811	0%
Amtrak	INI	Injury	9,535	0%
Third Party	MBO	Movable Bridge Opening	5,500	0%
Third Party	CUI	Customs	375	0%
Amtrak	CCR	Cab Car Mechanical Issue	274	0%

**Question 7a)** First, the “Reports & Documents” page on Amtrak’s website (last accessed Sept. 23, 2020) shows delays attributed to host railroads, but no reports comparing that to all sources of delay, or even showing all delays attributed to Amtrak or third parties.

**ANSWER.** Amtrak delays, including the top two delay categories, are reported for every train and route in the Federal Railroad Administration’s *Quarterly Report on the Performance and Service Quality of Intercity Passenger Train Operations*, published every quarter since September 2010, as Congress directed, and publicly accessible on the Federal Railroad Administration website (<https://railroads.dot.gov/passenger-rail/amtrak/rail-service-metrics-and-performance-reports>).

The “Host Railroad Report” posted to the Amtrak website (<https://www.amtrak.com/reports-documents>), as the name suggests, is designed to provide performance information related to host railroads. The report also provides the total Amtrak and Third-Party delays for trains operating over the six major host railroads, as shown in the excerpt below.

Delay minutes per 10,000 train miles on the six major host railroads, categorized by delay type and responsible party



The duration of a passenger train interference delay can vary substantially from one host to another depending on the efficiency of the host railroad's operation, dis-

patching effectiveness, and the amount and quality of rail infrastructure that a host has chosen to provide. Schedules agreed upon with each host railroad are designed to specifically account for any scheduled meets between Amtrak trains.

The largest cause of delay to state supported trains is freight train interference, not passenger train interference, as shown in the table below.

#### CY 2019 Delay Minutes by Delay Type for State Supported Services

Responsible Party	Delay Code	Delay Description	Delay Minutes	Percentage of Total
Host Railroad	FTI	Freight Train Interference	339,410	15%
Host Railroad	PTI	Passenger Train Interference	311,491	14%
Host Railroad	DSR	Slow Orders	290,221	13%
Host Railroad	DCS	Signals	189,393	9%
Host Railroad	CTI	Commuter Train Interference	174,986	8%
Amtrak	SYS	Crew and System	154,472	7%
Host Railroad	RTC	Routing	112,646	5%
Amtrak	HLD	Hold for Passengers or Baggage	88,202	4%
Amtrak	OTH	Other	81,424	4%
Amtrak	ADA	Hold for Passenger Mobility	71,236	3%
Host Railroad	DMW	Maintenance of Way	64,561	3%
Amtrak	ENG	Engine	61,401	3%
Third Party	WTR	Weather	44,626	2%
Amtrak	ITI	Late Inbound Train	42,576	2%
Third Party	POL	Police Hold	41,732	2%
Third Party	TRS	Trespasser	37,737	2%
Amtrak	SVS	Servicing	31,214	1%
Amtrak	CAR	Car Mechanical Issue	15,725	1%
Third Party	MBO	Movable Bridge Opening	13,791	1%
Amtrak	CCR	Cab Car Mechanical Issue	9,141	0%
Amtrak	CON	Connection Hold	7,925	0%
Third Party	CUI	Customs	7,662	0%
Third Party	DBS	Debris	7,396	0%
Host Railroad	DTR	Detour	7,227	0%
Amtrak	INJ	Injury	2,910	0%

7b) Data fails to support your claim that host carrier freight train interference is the greatest source of Amtrak delays to long distance trains. Please review and confirm in writing for the subcommittee the following facts, which are based on Amtrak's calendar year 2019 data:

*Question 7b.i.i).* The delays your conductors attribute to Amtrak-caused delays accounted for 30% of the total delays to long distance trains, whereas delays attributed to FTI accounted for only 26% of total delays;

*ANSWER.* This statistic highlights the severe impact that freight train interference has on Amtrak trains: a single delay category, freight train interference, is responsible for nearly as many delay minutes as all 11 categories of Amtrak delays combined. The delay data for CY 2019 are provided below.

#### CY 2019 Delay Minutes by Responsible Party for Long Distance Services

Responsible Party	Delay Minutes	Percentage of Total
Host Railroad	1,589,661	63%
Amtrak	698,111	30%
Third Party	163,807	7%

#### CY 2019 Delay Minutes by Delay Type for Long Distance Services

Responsible Party	Delay Code	Delay Description	Delay Minutes	Percentage of Total
Host Railroad	FTI	Freight Train Interference	657,910	27%
Host Railroad	DSR	Slow Orders	341,760	14%
Host Railroad	PTI	Passenger Train Interference	212,517	9%
Amtrak	SYS	Crew and System	193,852	8%

## CY 2019 Delay Minutes by Delay Type for Long Distance Services—Continued

Responsible Party	Delay Code	Delay Description	Delay Minutes	Percentage of Total
Host Railroad	DCS	Signals	166,203	7%
Amtrak	HLD	Hold for Passengers or Baggage	121,448	5%
Amtrak	SVS	Servicing	100,991	4%
Host Railroad	RTL	Routing	99,330	4%
Third Party	WTR	Weather	79,484	3%
Amtrak	ENG	Engine	74,037	3%
Amtrak	OTH	Other	60,055	2%
Amtrak	ADA	Hold for Passenger Mobility	58,630	2%
Host Railroad	CTI	Commuter Train Interference	51,662	2%
Host Railroad	DMW	Maintenance of Way	46,105	2%
Amtrak	CON	Connection Hold	34,373	1%
Third Party	TRS	Trespasser	34,236	1%
Third Party	POL	Police Hold	33,401	1%
Amtrak	ITI	Late Inbound Train	26,966	1%
Amtrak	CAR	Car Mechanical Issue	17,950	1%
Host Railroad	DTR	Detour	14,174	1%
Third Party	DBS	Debris	10,811	0%
Amtrak	INU	Injury	9,535	0%
Third Party	MBO	Movable Bridge Opening	5,500	0%
Third Party	CUI	Customs	375	0%
Amtrak	CCR	Cab Car Mechanical Issue	274	0%

*Question 7b.ii.).* Delays attributable to Amtrak exceeded FTI delays by over 110,000 minutes; and

*ANSWER.* This question compares a group of 11 delays to a single delay category. Host railroads caused more than 1.6 million minutes of delay to long distance trains, equivalent to 3 years of delay, and freight train interference delays alone accounted for 657,910 minutes of delay.

*Question 7b.iii.).* Nine of the 15 long distance services had more minutes of Amtrak delay than FTI delay, and FTI delay was not the major cause of total delay for any Amtrak long distance service.

*ANSWER.* This statement is incorrect. Freight train interference delays were the largest cause of delay for 14 of the 15 long distance services, and slow orders were the largest cause of delay for one long distance service, as shown in the table below.

## CY 2019 Leading Cause of Delay for Long Distance Services

Service	Largest Cause of Delay	Responsible Party	Delay Minutes
<i>Auto Train</i>	Freight Train Interference	Host Railroad	30,953
<i>California Zephyr</i>	Freight Train Interference	Host Railroad	63,154
<i>Capitol Limited</i>	Freight Train Interference	Host Railroad	61,050
<i>Cardinal</i>	Freight Train Interference	Host Railroad	9,056
<i>City of New Orleans</i>	Freight Train Interference	Host Railroad	27,732
<i>Coast Starlight</i>	Freight Train Interference	Host Railroad	37,068
<i>Crescent</i>	Freight Train Interference	Host Railroad	59,694
<i>Empire Builder</i>	Freight Train Interference	Host Railroad	82,087
<i>Lake Shore Limited</i>	Freight Train Interference	Host Railroad	49,129
<i>Palmetto</i>	Freight Train Interference	Host Railroad	13,367
<i>Silver Meteor</i>	Freight Train Interference	Host Railroad	21,929
<i>Silver Star</i>	Slow Orders	Host Railroad	22,855
<i>Southwest Chief</i>	Freight Train Interference	Host Railroad	49,947
<i>Sunset Limited</i>	Freight Train Interference	Host Railroad	63,390
<i>Texas Eagle</i>	Freight Train Interference	Host Railroad	70,086

*Question 8.* Is it correct that the difference between Amtrak caused delays and FTI is even greater for state-supported routes? Please review and confirm in writing for the subcommittee the following facts, which are based on Amtrak's calendar year 2019 data for state-supported routes:

*Question 8a)* FTI delay accounted for just 15% of total delays, and FTI delays were less in number than delays caused by meets with Amtrak's own passenger trains (i.e., PTI);

**ANSWER.** Freight train interference delays were the largest cause of delay to state supported trains in CY 2019, amounting to nearly 340,000 minutes, equivalent to 236 days of delay caused by freight trains alone, as shown in the table below.

**CY 2019 Delay Minutes by Delay Type for State Supported Services**

Responsible Party	Delay Code	Delay Description	Delay Minutes	Percentage of Total
Host Railroad	FTI	Freight Train Interference	339,410	15%
Host Railroad	PTI	Passenger Train Interference	311,491	14%
Host Railroad	DSR	Slow Orders	290,221	13%
Host Railroad	DCS	Signals	189,393	9%
Host Railroad	CTI	Commuter Train Interference	174,986	8%
Amtrak	SYS	Crew and System	154,472	7%
Host Railroad	RTE	Routing	112,646	5%
Amtrak	HLD	Hold for Passengers or Baggage	88,202	4%
Amtrak	OTH	Other	81,424	4%
Amtrak	ADA	Hold for Passenger Mobility	71,236	3%
Host Railroad	DMW	Maintenance of Way	64,561	3%
Amtrak	ENG	Engine	61,401	3%
Third Party	WTR	Weather	44,626	2%
Amtrak	ITI	Late Inbound Train	42,576	2%
Third Party	POL	Police Hold	41,732	2%
Third Party	TRS	Trespasser	37,737	2%
Amtrak	SVS	Servicing	31,214	1%
Amtrak	CAR	Car Mechanical Issue	15,725	1%
Third Party	MBO	Movable Bridge Opening	13,791	1%
Amtrak	CCR	Cab Car Mechanical Issue	9,141	0%
Amtrak	CON	Connection Hold	7,925	0%
Third Party	CUI	Customs	7,662	0%
Third Party	DBS	Debris	7,396	0%
Host Railroad	DTR	Detour	7,227	0%
Amtrak	INU	Injury	2,910	0%

**Question 8b).** Amtrak delays accounted for 28% of total delays; and

**ANSWER.** Host railroads were responsible for 67% of delays and Amtrak was responsible for 26% of delays, as shown in the table below.

**CY 2019 Delay Minutes by Responsible Party for State Supported Services**

Responsible Party	Delay Minutes	Percentage of Total
Host Railroad	1,489,935	67%
Amtrak	566,226	26%
Third Party	152,944	7%

**Question 8c).** Delays attributed to Amtrak exceeded FTI delays by more than 275,000 minutes.

**ANSWER.** This statement compares a category of 11 delays to a single delay type. The correct comparison is between Amtrak and host railroad delays: *host railroad delays to state supported trains exceeded Amtrak delays by more than 900,000 minutes.* Freight train interference was the largest type of delay to state supported trains, amounting to nearly 340,000 minutes of delay in 2019.

**Question 9.** How can Amtrak prove that there is a level of preference violations when Amtrak does not record a category of delays due to alleged preference violations? Does Amtrak categorize delays as FTI only when Amtrak views the delay as due to a preference violation? Should the FTI delay category be broader than that? Is your delay category of Host Responsible Delays not also broader than FTI? Please delineate and explain each item or criteria utilized in the delay category and Amtrak's justification for its usage.

**ANSWER.** Freight train interference delays are delays to Amtrak trains caused by freight trains. These delays represent clear evidence of violations of Amtrak's rights to preference as required by law.

There are eight types of host-responsible delays—information publicly available in the monthly Host Railroad Report posted to the Amtrak website<sup>2</sup>—as summarized in the table below:

**Types of Host-Responsible Delays**

Host-Responsible Delay	Description
Commuter Train Interference ...	Delays from meeting or following commuter rail trains.
Detour .....	Delays from detours.
Freight Train Interference .....	Delays from freight trains.
Maintenance of Way .....	Delays from host railroad maintenance of way activities.
Passenger Train Interference ...	Delays from meeting or following other intercity passenger rail trains.
Routing .....	Dispatching delays.
Slow Order .....	Delays from slow orders, except for heat or cold orders which are coded as third-party weather delays.
Signals .....	Signal-related delays.

For each delay, the following details are reported to the extent known, based on direct observations, train bulletins, radio traffic, and information relayed by the engineer, dispatcher, maintenance of way staff, signal maintainers, other train crews, and others:

- Location names or mileposts.
- Train symbol or number and/or locomotive number (with railroad initials) for other trains causing delay.
- Mileposts or other locations, speeds, and track number for slow-order delays.
- Names and aspects for signal delays.
- Engine or car number (with initials for non-Amtrak equipment) for mechanical delays.
- Locations for diversion delays, and track numbers routed from/to.
- Additional comments and information regarding the circumstances of the delay.

**Question 10.** We are troubled by the appearance that Amtrak's delay data includes supposed delays to its trains even when the delay is planned for as part of its schedule, or when a train makes up lost time, or even when the delayed train is not actually late. Does your delay data include these items? If Amtrak categorizes trains as delayed without regard to their actual schedule and whether they are on time, will you clarify these different delays in the data that present to the public?

**ANSWER.** Delays in a given segment of a route are recorded against the Pure Running Time for that segment, as a "delay" represents an impediment to the movement of the train. Amtrak's detailed approach to delay recordation provides actionable information, allowing both Amtrak and the host railroads to take corrective action to reduce delays, improving the on-time performance of Amtrak trains. Customer OTP, on the other hand, reflects the performance of the train based on the public schedule and provides a clear picture of the customer experience.

### C. Proposed Private Right of Action

**Question 1.** You stated that Amtrak needs the ability to enforce its right of preference over freight trains, but there are non-Amtrak passenger rail services throughout the country that run on time without any right of preference. Why do you think that Amtrak needs the ability to enforce its right of preference over freight when other non-Amtrak passenger rail services run on time without such a preference?

**ANSWER.** Preference of passenger trains over freight trains is essential to providing on-time passenger rail service. The question provides no evidence to the contrary.

The experience of VIA Rail Canada, Canada's intercity passenger rail operator, demonstrates the dire consequences to passenger rail in the absence of a right to preference over freight transportation. As noted in a 2016 Special Examination Report of VIA Rail by Canada's auditor general, "in Canada, passenger trains do not have the right of way. Therefore, VIA's trains are frequently required to yield to freight traffic, which sometimes results in significant delays."<sup>3</sup> These delays due to lack of preference have decimated the performance of VIA's principal long distance train, the Toronto-Vancouver *Canadian*. In 2009, VIA added an extra night to the

<sup>2</sup> <https://www.amtrak.com/reports-documents>

<sup>3</sup> [https://www.viarail.ca/sites/all/files/media/pdfs/About\\_VIA/VIA%20SPECIAL%20EXAMINATION%20REPORT%20FINAL.pdf](https://www.viarail.ca/sites/all/files/media/pdfs/About_VIA/VIA%20SPECIAL%20EXAMINATION%20REPORT%20FINAL.pdf)

*Canadian's* schedule with the expectation that this would improve its poor on-time performance. Instead, on-time performance plummeted to just 8% in 2018 and some trains operated as much as 43 hours late, "impeding VIA Rail from effectively providing a viable travel service" according to VIA's 2019–2023 Corporate Plan.<sup>4</sup> In that year, VIA added an *additional* 12 hours to the *Canadian's* schedule, but on-time performance continued to deteriorate according to VIA's Second Quarter 2019 Report.<sup>5</sup>

Amtrak's own experience also validates the vital need for real preference enforcement. Around the time of the enactment of the Passenger Rail Investment and Improvement Act of 2008, which included the metrics and standards provisions regarding on-time performance, the average on-time performance of long distance trains increased 45 points to 75%. However, after the Association of American Railroads initiated litigation regarding the metrics and standards provision, the average on-time performance of long distance trains fell 22 percentage points within a year. The data confirms that freight host railroads limit the freight train interference delays to Amtrak passengers when there are real consequences for violating Amtrak's right to preference.

**Question 2.** Regarding enforcement of preference, does the Passenger Rail Investment and Improvement Act of 2008 allow Amtrak to enforce its rights regarding underperforming services at the STB? Is that right insufficient to keep Amtrak trains on time because the STB does not share Amtrak's view regarding the requirements of preference?

**ANSWER.** The reason that Section 24308(f) of the Passenger Rail Investment and Improvement Act (PRIIA) is not a sufficient tool for enforcing the federal law giving Amtrak trains a right of preference are the actions of the Association of American Railroads (AAR) and certain freight railroads to block the applicability of that statute at every possible turn. Moreover, whatever views the current members of the STB may have regarding the requirements of preference has nothing to do with why the existing provisions of the PRIIA are insufficient to keep Amtrak trains on time.

Section 24308(f) of PRIIA allows Amtrak to begin a proceeding to have the STB investigate poor OTP, but only if OTP falls below certain triggers. The statute contains two triggers, and the AAR and certain of the freight railroads banded together shortly after PRIIA was passed to bring litigation to invalidate both of those triggers.

The first trigger for an action under Section 24308(f) is that the host railroad fail to meet certain metrics and standards developed by FRA and Amtrak pursuant to PRIIA Section 207. FRA and Amtrak did develop those metrics and standards, after notice and comment, but AAR and certain freights sued the Department of Transportation, claiming that Section 207 and the metrics and standards developed under them were unconstitutional. The case went up to the Supreme Court and back down to the D.C. Circuit Court of Appeals, where—after ten years of litigation—it was finally held that the statute was generally constitutional but that the metrics and standards would need to be developed again. FRA and Amtrak have begun that process, but it is not certain that AAR and the freights will not attempt to invalidate them again in order to keep Amtrak from enforcing its rights to preference at the STB.

The second trigger for an STB action under Section 24308(f) is that an Amtrak train fall below a certain percentage OTP. At the AAR's request, the STB, through notice and comment rulemaking, determined how OTP would be measured for purposes of that provision. The AAR and certain freight railroads promptly challenged the STB's rule in the Eighth Circuit Court of Appeals, where the rule was invalidated.

The result of the litigation brought by the AAR and freight railroads is that the two existing cases Amtrak had brought under PRIIA were dismissed by the STB. Any STB proceeding Amtrak brought after issuance of new metrics and standards could once again be nullified by future judicial challenges.

**Question 3.** Is it the case that the Department of Justice (DOJ) is empowered to enforce the freight railroad's preference obligation? How many preference enforcement actions has Amtrak asked the DOJ to bring over the past 30 years? How many actions has the DOJ refused to bring? Please provide the details of any cases or refusals to bring cases.

**ANSWER.** Under 49 USC § 24103(a)(1), only the Attorney General of the United States (DOJ) may bring a civil action when a freight railroad refuses, fails, or ne-

<sup>4</sup> [https://www.viarail.ca/sites/all/files/media/pdfs/About\\_VIA/our-company/corporate-plan/Corporate\\_Plan2019.pdf](https://www.viarail.ca/sites/all/files/media/pdfs/About_VIA/our-company/corporate-plan/Corporate_Plan2019.pdf), pg. 9.

<sup>5</sup> [https://media.viarail.ca/sites/default/files/publications/VIA\\_Q2\\_2019\\_EN\\_1.pdf](https://media.viarail.ca/sites/default/files/publications/VIA_Q2_2019_EN_1.pdf), p. 37



glects to discharge its duties and responsibilities under certain provisions of the law, including Amtrak's right to preference under 49 USC § 24308(c). However, the Attorney General is only empowered to seek equitable relief, rather than monetary relief such as damages caused by the unlawful behavior.

In the 47 years since the preference law was enacted, the DOJ has only commenced one case to enforce Amtrak's preference rights. That was in 1979, in a case against what was then the Southern Pacific (since merged into Union Pacific). In that case, the District Court for the District of Columbia entered a Consent Order under which Southern Pacific was ordered to "accord to the operations of the *Sunset Limited* between New Orleans and Houston a preference over freight trains in the use of Southern Pacific's rail lines in accordance with" the preference law, as well as other requirements to support that order.

Since then, Amtrak has attempted to convince the DOJ to enforce federal preference law when appropriate, but without success. Because DOJ does not represent Amtrak but only other federal agencies, it has no obligation to enforce Amtrak's preference rights or to prioritize preference enforcement over enforcement of other federal laws. Amtrak does not have a record of every conversation or meeting with representatives of the DOJ or the DOT over the past 30 years regarding preference and so cannot answer with certainty your question about every instance where Amtrak asked the DOT or DOJ to enforce Amtrak's preference rights.

*Question 4.* Without evidence that violations of preference are a significant problem for Amtrak, is it worth the potential lost time, expense, and harm to relationships that would be caused by Amtrak threatening or litigating preference claims against the very hosts it needs to work with to provide quality service? Should the right of preference be limited to instances where FTI represents the majority of all delays to a service? Should it at least be limited to instances where FTI exceeds all other sources of delay that cannot be reasonably controlled by the host?

*ANSWER.* *Freight train interference—violations of Amtrak's right to preference—caused 1 million minutes of delay to Amtrak trains in FY 2019.* That is equivalent to nearly two years of delays to passengers. It is the leading reason why the on-time performance of long distance services was only 42% last year, with a third of long distance routes less than 30% on time. This disregard of the law is a fundamental challenge to Amtrak's ability to provide reliable service and meet our mission set forth by Congress in statute.

Amtrak has repeatedly sought to work with host railroads to jointly reduce delays, which has led to important successes and reliable service for some routes. However, long-term and consistently reliable performance cannot be achieved systemwide without the real possibility of preference enforcement.

Amtrak would prefer not to litigate preference claims, but history has proven that the only times when Amtrak is provided with reliable service across the system is when a real threat of preference enforcement has existed. Around the time of the enactment of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), which included the metrics and standards provisions regarding on-time performance, the average on-time performance of long distance trains increased 45 percentage points to 75%. After the Association of American Railroads initiated litigation regarding the metrics and standards provision of PRIIA, the average on-time performance of long distance trains fell 22 percentage points within a year.

Amtrak's right to preference protects our customers, our mission, and is an essential element in providing reliable service. Passengers will experience more reliable service when more host railroads comply with the law.

Federal law provides that the right of preference is not limited to the instances that the question suggests it should be limited to, and for good reason. It should be noted that the law provides an opportunity for host railroads to demonstrate that providing preference would materially lessen the quality of freight transportation provided to shippers and seek relief from the law, but no freight railroad has every sought such relief. It is therefore appropriate to assume that relief has never been required. Excusing repeated host railroad violations of preference that did not exceed some arbitrary threshold would be no different than allowing drivers who repeatedly run red lights to avoid paying fines until they receive a large number of tickets.

*Question 5.* You verbally suggested that increased OTP during this period of reduced train operations supports the need for a private right of action for Amtrak to enforce preference. But data shows that most of the improvement in OTP during this period has been the result of reductions in Amtrak delays rather than freight delays. For long distance trains, for example, during April 1, 2020, through August 30, 2020, a period of reduced freight and passenger operations, the average FTI delay per train decreased by 14 minutes from 2019, whereas the average delay per

train caused by Amtrak decreased by 34 minutes. Does this suggest that Amtrak could achieve its OTP goals by reducing its own delays or adding time to the schedule to account for delays it cannot eliminate and delays the Host cannot control?

**ANSWER.** No. In fact, the question lays bare the unfortunate reality: while Amtrak continues to make great strides in reducing its own delays, many freight host railroads continue to prioritize freight over passengers, failing to comply with their legal obligations to provide Amtrak trains with preference. Freight train interference delays are entirely within the control of host railroads and represent the largest cause of delay to Amtrak trains. In the period referenced by the question (April 1, 2020 to August 30, 2020), there were 35% more freight train interference delays to long distance trains than *all Amtrak delays combined*. Moreover, freight train interference is just one type of host railroad delay. Considering all host railroad-responsible delays to Amtrak trains, there were *234% more delay minutes caused by host railroads* than all delays caused by Amtrak.

The greatest single opportunity for improving the on-time performance of Amtrak trains is to reduce freight train interference delays. In CY 2019, there were nearly 11,000 hours of delay to Amtrak long distance train passengers from freight train interference alone, equivalent to more than one year of passengers waiting for freight to operate first. The fact that some freight host railroads have elected not to reduce delays merely proves there is much more for host railroads to do to comply with the law. America's rail passengers deserve nothing less.

#### *D. Private Sector Contracting*

**Question 1.** One idea for helping Amtrak become more efficient and profitable is contracting out services to the private sector. How can Amtrak partner with the private sector on passenger rail operations and services on a broader scale?

**ANSWER.** Amtrak already contracts out many services that other entities can better provide at a lower cost. Examples including commissary operations for on-board food services and servicing of Amtrak equipment at remote terminals. We also have many contractual arrangements and partnerships with private sector entities in areas such as station development and provision of bus services that connect with our trains. We are open to other opportunities for contracting and partnering with private entities that will improve financial performance and service quality and are not inconsistent with legal requirements or collective bargaining agreements.

It is important to keep in mind, however, that contracting out services does not necessarily reduce costs, and can lead to degradation, loss of control over, or impairment of services. When Amtrak began operation in 1971, it contracted with private railroads to perform virtually all aspects of its operations and services, which resulted in high costs and poor service quality. Recognizing this, Congress amended the Rail Passenger Service Act in 1973 to direct Amtrak to "operate and control directly, to the extent practicable, all aspects of the rail passenger transportation it provides" (49 U.S.C. 24305(a)(2)). Amtrak's assumption of direct operation and control of most aspects of its services significantly reduced costs and improved service quality. More recent experience of Amtrak and other passenger railroads with privatization of services, discussed in detail in a white paper entitled "Should Amtrak Services and Infrastructure be 'Privatized'?" on Amtrak's Stakeholder FAQs website ("Privatization White Paper"),<sup>6</sup> demonstrates that privatization is not a magic panacea that would make Amtrak profitable, but rather can increase costs, diminish operational performance and customer service, and jeopardize safety and continued operation of services.

**Question 2.** You testified that certain National Network routes for competitive bid would create more complexity. Please explain what you meant and include any evidence that supports this claim.

**ANSWER.** Competitive bidding for National Network routes—which the Federal Railroad Administration and a Midwestern state unsuccessfully attempted in recent years, as discussed in the Privatization White Paper<sup>7</sup>—would create additional complexity, and increase administrative and oversight costs, because Amtrak would no longer control aspects of the services it provides to passengers that were privatized; terms under which Amtrak would continue to provide other aspects of those services would have to be negotiated or determined through adjudicatory proceedings; and the provision of services by both Amtrak and other entities would create inefficiencies, customer confusion, and disputes over responsibility for ensuring safe oper-

<sup>6</sup> <https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/corporate/position-papers/white-paper-amtrak-privatization.pdf>

<sup>7</sup> *Ibid.*

ations and addressing service deficiencies that do not exist when all aspects of a service are provided or controlled by a single operator.

*Question 3.* Please answer each the following questions in detail:

*Question 3a)* Do you agree that opening routes up for competitive bid could drive down costs? If not, please explain why, including evidence supporting this denial.

*ANSWER.* As discussed in detail in the Privatization White Paper,<sup>8</sup> the costs to taxpayers in Great Britain increased greatly after rail services were privatized; in September, British rail regulators announced that the government would reassume control over rail services and end franchising of routes to private operators. The Midwestern state that partially privatized an Amtrak state-supported route terminated that arrangement after just 17 months when the private operator sought large increases in the state's payments.

*Question 3b)* Do you agree that opening routes up for competitive bid could improve service? If not, please explain why, including evidence supporting this denial.

*ANSWER.* Privatization of Great Britain's rail services resulted in degradation of service quality, including severe overcrowding and poor on-time performance. (See Jones, Owen, "Why Britain's Trains Don't Run on Time: Capitalism," New York Times, April 4, 2017.)<sup>9</sup> As discussed in the Privatization White Paper,<sup>10</sup> during the first year of partial privatization of a Midwestern Amtrak state-supported route, mechanical delays, which were attributable to problems with the contractor's equipment, increased 35%.

*Question 3c)* Do you agree that opening routes up for competitive bid would likely create jobs in communities along Amtrak routes? If not, please explain why, including evidence supporting this denial.

*ANSWER.* No. The creation of jobs in on-line communities due to the operation of passenger rail service is heavily dependent on increasing the number of passengers carried, since this translates into more commercial activity and more spending by visitors on hotels, restaurants, entertainment, etc. As indicated in the Privatization White Paper, ridership declined by more than 10% following partial privatization of a Midwestern Amtrak service.

Unsuccessful privatization efforts have led to discontinuance of passenger rail services, which eliminates both railroad jobs and other jobs in on-line communities that are dependent upon passenger rail service. A Canadian intercity passenger rail service was suspended in 2015 when the newly-selected private operator was unable to fulfill its contractual obligations, and subsequent efforts to find a suitable private operator were unsuccessful. The service has never resumed. See Kelly, Lindsay, "Rail supporters reboot search for third-party operator," Northern Ontario Business, March 4, 2016.<sup>11</sup>

#### *E. Buy America Waiver*

*Question 1.* On August 13, 2020, you responded to Ranking Member Crawford's letter regarding the Buy America waiver Amtrak sought to purchase foreign equipment. None of Amtrak's responses directly answered the questions posed by Ranking Member Crawford. Accordingly, please respond directly to each of the following questions without restating the responses Amtrak provided in the August 13, 2020, letter.

*Question 1a)* Please list all items/equipment for which the Buy America waiver was sought.

*ANSWER.* Between March 2018 and May 2019, Amtrak issued three requests for proposal (RFP):

- One railbound tunnel crane
- One track laying machine
- Eight two-man rail car movers with heavy cranes, railgear, and rail car couplers (and related equipment)

In the case of the tunnel crane and the track-laying machine, the request was sent to multiple potential offerors; in the case of the rail car movers, the request

<sup>8</sup> Ibid.

<sup>9</sup> <https://www.nytimes.com/2017/04/04/opinion/why-britains-trains-dont-run-on-time-capitalism.html>

<sup>10</sup> <https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/corporate/position-papers/white-paper-amtrak-privatization.pdf>

<sup>11</sup> <https://www.northernontariobusiness.com/regional-news/sault-ste-marie/rail-supporters-reboot-search-for-third-party-operator-371850>

was sent to a single bidder based on a previous RFP. In two of three cases, the request was also posted publicly on Amtrak's website.

*Question 1b)* Please list the cost of all items purchased or sought to be purchased with the Buy America waiver.

*ANSWER.* This procurement process continues to be ongoing. As Amtrak negotiates the contracts, some elements of the contract have remained at play. Pricing, as is common to any business negotiation, is a critical part of a contract negotiation. We are happy to report that over the past several weeks, Amtrak and vendors have finalized two of the three negotiations and contracts have been issued:

- Railbound Tunnel Crane—\$12,979,205.00
- Two-man Rail Car Movers—\$7,464,000.00

The third and final contract for the Track Laying Machine remains under negotiation, but we are happy to follow up with your staff with that information once that contract has been issued. We expect to complete that TLM negotiation in the coming months. In the meantime, my team can be available to discuss this with you or your staff if you have any additional questions.

*Question 1c)* Please list the country or countries where the equipment was sought from or purchased.

*ANSWER.* Equipment was purchased or will be purchased as follows:

- Railbound Tunnel Crane—Switzerland
- Two-man Rail Car Movers—Canada
- Track Laying Machine—Germany

*Question 1d)* Please state whether the equipment was, or will be, purchased using funding provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. If so, how much of the CARES Act money is or will be spent on the equipment?

*ANSWER.* Amtrak closely tracks how CARES Act funds are used, consistent with the terms of the legislation and our agreements with the FRA. No CARES-provided funding has been or will be used to acquire the equipment that was part of this procurement. At all stages, the waiver process has been independent of the pandemic, and of Congress's financial response to the pandemic.

This is a snapshot of the waiver request timeline and process:

- Amtrak first sought an Amtrak Buy American waiver weeks before the first confirmed COVID-19 case, months before the first U.S. case.
- This process began approximately six months before enactment of the CARES Act (P.L. 116-136).
- The FRA's public notice of Amtrak's request preceded the execution of CARES Act grant agreements.

I want to reiterate my earlier message that this waiver request, a process that began over two years ago now, is a step Amtrak rarely takes and that we worked hard to avoid. On average, Amtrak spends just under \$2 billion a year on products and services. Since 1992, when the FRA began posting waiver requests, Amtrak has requested six waivers under the FRA statute (49 USC §22905(a), formerly 49 USC § 24405(a)) and the Amtrak statute, 49 USC § 24305(f). Of the six requested waivers, only five have been required. (One of the waivers, for the Amtrak High Speed Rail Prototype Trainsets, ultimately was not utilized.)

Amtrak's request for a waiver of its domestic buying preference requirements is not the product of an elective choice; rather, it is the result of market realities and Amtrak's need for equipment that meets certain technical specifications the company is unable to change. Amtrak sought to acquire the relevant equipment from manufacturers that can meet Amtrak Buy American requirements without a waiver but was unable to do so; the FRA has granted Amtrak's request based on narrow criteria that Congress spelt out in statute.

#### *F. Amtrak Accounting*

*Question 1.* According to the Cato Institute (see Cato statement submitted for the record), Amtrak currently receives a federal subsidy of roughly thirty cents per passenger-mile, whereas the aviation industry receives a subsidy of roughly one cent per mile. What specific amount do you think is an appropriate subsidy per passenger-mile for Amtrak?

*ANSWER.* Since the referenced testimony does not indicate how the subsidy per passenger mile figures were calculated (e.g., whether indirect federal, and all aviation trust fund, spending on the aviation industry was included), we are unable to assess the accuracy of the comparison. We believe that the level of federal funding Amtrak receives should not be based upon an arbitrary per passenger-mile figure, but rather on the benefits the country receives from investing in Amtrak.

The approximately \$2 billion Congress has invested annually in Amtrak in recent years, is a tiny fraction of what the federal government spends on competing transportation modes. For example, in 2017, according to data compiled by the Congressional Budget Office, federal spending on highways exceeded Amtrak's federal grant by a factor of more than thirty to one.<sup>12</sup> The funding Congress has provided to Amtrak has produced a very high return on investment. Significant, sustained investments in intercity passenger rail service, comparable to those in other countries, would result in much higher ridership, more efficient operations, and economies of scale that would significantly reduce expenditures per passenger-mile, as has occurred on Amtrak's Northeast Corridor.

*Question 2.* Does Amtrak use benefit-cost analysis when determining long-distance service?

*ANSWER.* Amtrak's decisions about long distance service levels reflect many factors, but are always informed by the mission, goals, and other directives Congress has spelt out for Amtrak in statute, including the requirements that we operate a "national rail passenger transportation system" (49 USC § 24701), defined in a way that explicitly includes long distance routes (49 USC § 24102), and that we use our best business judgment to minimize governmental subsidies (49 USC § 24101). Our business judgment is of course informed by cost-benefit analyses, and such analyses have prompted or supported major decisions about long distance service; the pre-pandemic transition to flexible dining on many eastern (single-night) routes and the post-pandemic reduction of service levels are two recent examples.

*Question 3.* Do you acknowledge Amtrak's Congressionally-mandated mission of making a profit as contained in the Rail Passenger Service Act of 1970? Please answer each of the following questions in detail.

*ANSWER.* Amtrak has never had a Congressionally-mandated mission of making a profit. The referenced provision in the Rail Passenger Service Act of 1970, which stated that Amtrak was to be a "for-profit company" was amended in 1979 to provide that Amtrak was to be "operated and managed as a for-profit company." (49 U.S.C. 24301(a)(2), emphasis added). The legislative history of the 1979 amendment indicates that it reflected the fact that Amtrak could not be profitable.

The Congressional Research Service (CRS) has found that there was "little evidence ... in the legislative history" of the 1970 Act to support the "assert[ion] that Amtrak was intended by Congress to be a profit-making enterprise." CRS noted that whatever expectations there were that Amtrak might eventually become profitable were premised on the assumptions that the federal government would provide the significant funding required to develop faster service in high-density corridors and that Amtrak would not be required to continue to operate a national network of unprofitable routes. CRS found that neither pre-condition had been met. (See CRS, "Amtrak Profitability: An Analysis of Congressional Expectations at Amtrak's Creation" (June 26, 2002).)<sup>13</sup>

*Question 3a)* COVID-19 considerations aside, do you agree that trying to make a profit should be a goal for Amtrak?

*ANSWER.* We believe that operating an efficient service in a business-like manner that makes optimal use of available public funding should be Amtrak's goal. Like Amtrak's long distance routes, virtually all of the airline and intercity bus routes that serve rural regions of the United States receive significant federal subsidies, without which these services would disappear. Every dollar we save is a dollar we can reinvest into the railroad to ensure we can better serve our customers and your constituents.

*Question 3b)* COVID-19 considerations aside, do you believe that Amtrak should operate in a fiscally responsible way that seeks to minimize wasting taxpayer money?

*ANSWER.* We agree that Amtrak should operate in a fiscally responsible way. We disagree with the implication that providing funding for intercity passenger rail service is a waste of taxpayer money.

*Question 3c)* Do you believe providing good service and making a profit are in conflict?

*ANSWER.* While providing good service is not in conflict with operating in a financially efficient manner, an expectation that a national network of intercity passenger rail service could be profitable is unrealistic. As indicated in the CRS re-

<sup>12</sup><https://www.cbo.gov/publication/54539>

<sup>13</sup><https://crsreports.congress.gov/product/pdf/RL/RL31473>

port.<sup>14</sup> Amtrak was created because the private railroads that then provided inter-city passenger rail service were all losing huge amounts of money operating passenger rail service that became inherently unprofitable after post-World War II public investments in competing transportation modes. No country in the world has a profitable passenger rail system that does not require public funding.

*Question 3d)* Looking beyond the COVID-19 pandemic, please explain in detail your plan to ensure that Amtrak makes a profit and meets its Congressional mandate. If you do not believe Amtrak should make a profit, please explain.

*ANSWER.* As discussed above, Amtrak does not have a congressional mandate to make a profit.

*Question 4.* What are the losses, per train or per passenger-mile, when taking into account the depreciation of equipment?

*ANSWER.* Amtrak uses the group method of depreciation (group method) in which a single composite depreciation rate is applied to the gross investment in a particular class of property or equipment, despite differences in the service life or salvage value of individual property units within the same class. While we know how much depreciation has been recorded for a particular group, we do not calculate equipment depreciation per train, which would vary from day to day depending upon the number and type of equipment units assigned.

*Question 5.* The previous Amtrak CEO developed accounting figures to factor in depreciation of equipment to each individual route but did not publish this information. Will you agree to publish this information and provide it to this Committee? If not, please state your reasoning.

*ANSWER.* Depreciation is not a cash expense and not a good measure of the day-to-day operating expenses of a route or the cost of replacing railroad assets. For that reason, our adjusted operating loss (similar to EBITDA) is a much better measure of route profitability. Many public companies, across varied industries, often talk in terms of EBITDA, or some form of adjusted operating income to provide investors with an accurate view of the core operating results of the company. You can see the adjusted operating loss for a route in our publicly available "Monthly Performance Report" on the Amtrak.com website under "Reports."<sup>15</sup>

#### *G. COVID-19 and CARES Act*

*Question 1.* As a result of the coronavirus, many states are facing budget deficits and financial difficulties. What is Amtrak's plan for working with the states in 2021, specifically regarding the state-supported routes?

*ANSWER.* We appreciate the tremendous financial strain that the coronavirus has created for our state partners. Our overarching goal as we navigate the coronavirus is to preserve all of our state supported services, so that as we emerge from this pandemic we can continue to provide mobility and connectivity to the states in support of economic recovery. To do this, we believe the foundation must be continued emergency federal funding to Amtrak and our state partners to replace the lost ticket revenue resulting from reduced travel associated with the coronavirus. In addition to this emergency funding, we are working to make our operating agreements with states as flexible as possible so that we can all respond as nimbly as possible to our quickly changing environments.

*Question 2.* Amtrak's Office of Inspector General recently found that Amtrak is utilizing a "legacy process" to calculate state Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Section 209 payments and that management will not have an "alternative" billing and methodology system implemented before the end of this fiscal year. How can states trust that Amtrak will implement alternative billing and cost methodologies before their next service agreements are signed?

*ANSWER.* Under PRIIA Section 209 and the FAST Act, the cost sharing methodology is governed by the State-Amtrak Intercity Passenger Rail Committee (SAIPRC), of which Amtrak is a member along with states funding state supported services and the Federal Railroad Administration. Changes to the cost sharing methodology must be approved by all parties. Amtrak has repeatedly expressed its openness to considering alternative approaches to the process we have today. We look forward to collaborating with our SAIPRC partners to investigate these alternatives but based on the way the statute was designed Amtrak cannot unilaterally change the existing processes.

<sup>14</sup> Ibid.

<sup>15</sup> <https://www.amtrak.com/reports-documents>

*Question 3.* Amtrak's state-supported routes have identified clear reductions in service because of the COVID-19 pandemic but have not seen corresponding decreases in their cost of service. On state routes, what costs does Amtrak consider to be fixed and what costs does Amtrak consider to be variable?

*ANSWER.* From October 2019 to February 2020, the period in FY 2020 prior to COVID-19, Amtrak ran 1.2M state supported train-miles per month, which resulted in Section 209 operating costs of \$62.1M per month. From March through August 2020, based on guidance from state partners, Amtrak ran only 552K state supported train-miles per month, resulting in Section 209 operating costs of \$44.5M per month. To clarify, these costs during COVID-19 are lower than they were prior to COVID-19 based on the reductions in service.

A railroad is an entity where many costs are fixed. Certain costs can be fixed or variable based on the time period. Please see the following table, which we shared with our state partners during one of our weekly (now bi-weekly) conference calls where we address COVID-19 related issues:

Cost	% Labor	More Variable	More Fixed	Note
Host RR .....	na	Access fees, incentives	NRPC officer .....	Minor costs from some hosts even if no Amtrak service
Fuel & Power .....	na	Fuel .....	Negligible .....	Note that fuel management activities charged in T&E Additive
T&E Crew Labor .....	95%	Labor .....	Extra board, some costs at smaller crewbases.	<ul style="list-style-type: none"> <li>• Variability can be short-run and long-run</li> <li>• Long lead times for crew qualification, training</li> </ul>
Car & Loco Maint. & Turnaround.	55%	Labor, materials .....	Facilities, shop tools and equipment.	<ul style="list-style-type: none"> <li>• Variability can be short-run and long-run</li> <li>• Long lead times for qualification, training for certain crafts</li> </ul>
On-Board Passenger Technology.	na	Cellular access fees driven by installed base.	Fixed support costs	
OBS Crew .....	95%	Labor, provisions .....	Negligible .....	<ul style="list-style-type: none"> <li>• Variability can be short-run and long-run</li> <li>• Lower lead times for qualification, training</li> </ul>
Commissary Provisions ..	na	Café provisions .....	E.g., paper towels .....	Includes some consumables used outside of food service
Route Advertising .....	na	Media placement .....	na .....	Determined by individual states
Reservations & Call Centers.	40%	Labor .....	Technology .....	BPO call center provider offers greater variability of labor costs
Stations—Route .....	70%	Labor .....	Facilities .....	Variability can be short-run and long-run
Stations—Shared .....	70%	Labor .....	Facilities .....	Variability can be short-run and long-run
Station Technology .....	na	Access fees driven by installed base.	Fixed support costs .....	See above
Commissions and Res. System Access.	<1%	Commissions .....	na .....	Costs driven by revenue purchased through specific channels

Cost	% Labor	More Variable	More Fixed	Note
Customer Concession ....	<1%	Credits, refunds .....	na .....	Costs driven by passenger counts; category has decreased substantially due to accounting changes
Connecting Motor Coach	Low	Yes .....	na .....	Determined by individual states
Regional/Local Police .....	97%	Labor .....	Support costs	
Block & Tower Operations.	97%	Labor .....	Technology .....	These costs have been decreasing over years as remaining manual towers are automated / centralized
Terminal Yard Operations.	95%	Labor .....	Extra board, some crew base costs.	<ul style="list-style-type: none"> <li>• Variability can be short-run and long-run</li> <li>• Long lead times for crew qualification, training</li> </ul>
Insurance .....	na	Some insurance costs vary by activity levels.	Some costs determined by insurance market.	Some costs controllable by Amtrak, some costs determined by larger insurance market

**Question 1.** The Amtrak Office of Inspector General recently found that Amtrak was not providing states with clear data on how service changes due to coronavirus would affect state costs. This data is especially important as states face budget shortfalls due to coronavirus. Please explain how Amtrak is working to fix this problem. Secondly, will Amtrak agree to provide states with this data? If not, please state why. If so, please share a copy with the Subcommittee and notify the Subcommittee when this sharing occurs.

**ANSWER.** The question above about fixed and variable costs shows the blend of fixed and variable costs at a railroad. When service changes, variable costs change but most of the time fixed costs do not. Different state supported routes have different mixes of fixed and variable costs, based in part on their geography; their infrastructure; service decisions that have been made by states; and more. Together, these factors make it challenging to forecast how service changes will change costs. To address this issue, Amtrak has introduced a simplified forecasting approach for FY 2021 that will make it possible to provide states with estimated costs of service changes much more quickly. Please find attached an example of the kinds of forecasts we have provided states for different service levels on various state supported routes.

#### H. Amtrak Police

**Question 1.** Do the workforce layoffs and furloughs announced by Amtrak include members of the Amtrak police department? If so, how many employees of the Amtrak police department are affected and how does this decision impact passenger safety?

**ANSWER.** No members of the Amtrak Police Department were furloughed, and one member was laid off. That employee was a senior continuity of operations manager and was in a support position tasked with establishing corporate-level business continuity programs.

**Question 2.** Earlier this year, the Amtrak Office of the Inspector General reported issues with Amtrak's ability to define the role, priorities, and size of the Amtrak police department. Please explain how Amtrak is addressing these issues.

**ANSWER.** Issued on July 1, 2020, Amtrak OIG report OIG-A-2020-012<sup>16</sup> offered four primary findings and three recommendations. To address them, Amtrak has committed to:

1. Facilitate discussions between the Executive Leadership Team and the Board of Directors to reach a consensus on what APD should be doing. The results of those discussions will inform the mission and objectives of the department, which will incorporate them into its strategic plan. In addition, the Executive Safety and Security Council will ensure that APD appropriately executes its

<sup>16</sup><https://amtrak.oig.gov/sites/default/files/reports/OIG-A-2020-012%20APD.pdf>



strategic plan and ensures that it is incorporated into the company's integrated Safety and Security Policy. As part of this effort, APD has engaged a consultant to assist in the preparation of a strategic plan, due winter 2021. APD has engaged with the ELT for their input and feedback, which will inform the strategic planning process, scheduled for December 7, 2021. APD has always been clear on its public safety mission of protecting life, property, and infrastructure.

2. Review staffing models from partner agencies and best practice guidelines from police research organizations to develop a data-driven, risk-based process to recommend an optimal size for APD. The department expects to have a proposal to senior leadership during the first quarter of FY 2021. Additionally, APD leadership will use the results of a recently commissioned audit of the contract security services the company uses to develop proposals on alternative staffing options. APD intends to maximize agreements the company has in place and reallocate resources accordingly, to more effectively supplement APD sworn officers. APD leadership will forward the audit results and its related recommendations to the Executive Leadership Team for consideration and action. Also, APD is in the process of evaluating its current goals and metrics as part of the APD Security Management System annual review process. At the September 2020 Board meeting, APD presented its FY 2021 goals and metrics to the ELT and the Board, who approved them then. The target completion date for these tasks is March 31, 2021.
3. Remediate identified weaknesses with the Computer Aided Dispatch system and optimize several of the current IT platforms to improve workload data. Management stated that APD will use the improved workload data to inform decisions it makes about the size and allocation of its staff. In addition, IT is working with APD to determine the best reports and metrics it needs to inform its decisions about staff composition and allocation, and train APD staff on the use of any resulting dashboards and reporting tools it generates. The target completion date for this effort is July 1, 2021.

#### *I. Miscellaneous*

*Question 1.* Who should decide Amtrak's National Network routes: Congress, Amtrak, or someone else? Please elaborate on your rationale this decision.

*ANSWER.* Amtrak's 1997 reauthorization gave Amtrak responsibility for determining its route network, and directed Amtrak to "operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service" (49 U.S.C. 24701). Section 209 of the Passenger Rail Investment and Improvement Act of 2008 made states responsible for funding most of the costs not covered by revenues of routes of less than 750 miles in length (other than the Boston-to-Washington Northeast Corridor), which means that the continued operation of such routes, and the initiation of new less than 750-mile routes, is determined by states (subject to operational constraints and the availability of necessary funding and equipment).

Amtrak believes that it is appropriate that Amtrak, which is required by the Rail Passenger Service Act to operate and be managed as a for-profit business and to make the best use of available resources, determine Amtrak's long distance route network. We also believe that states should continue to be responsible for determining whether to initiate or continue operation of state supported routes they primarily fund, but that expansion of Amtrak service to corridors and regions that are underserved or not served by existing Amtrak services will require the federal government and Amtrak to play a greater role in initiating or expanding under-750-mile corridor services and providing the funding necessary to accomplish this. Finally, we recognize that it is ultimately up to Congress, which funds the operating losses and capital costs of Amtrak's long distance network and the state supported route costs that Amtrak pays, to set the policy for what passenger rail service Amtrak will provide.

*Question 2.* Amtrak currently requires any claims against it to be arbitrated. Do you think that arbitration is a fair, reasonable, and highly efficient means of alternative dispute resolution? Will you agree to continue this policy? If not, please state why in detail.

*ANSWER.* Amtrak's arbitration program is consistent with other major Amtrak initiatives to improve the overall customer experience, and Amtrak adopted it for two simple reasons: to expedite resolution of claims and to reduce unnecessary litigation costs.

First, Amtrak's arbitration program provides a much quicker resolution of claims and much faster compensation to injured parties than court litigation, while retaining most important aspects and protections of the civil litigation system: convenient

venues throughout the country; legal representation; an independent decisionmaker; authorization for appropriate discovery; and the ability of a prevailing claimant to be awarded damages and all other relief available under applicable law. The major difference is that arbitration provides a resolution in less time—generally well within a year of filing—by avoiding unnecessary discovery and other time-consuming proceedings, and the often years-long wait for a trial date on overcrowded court dockets. This is especially advantageous now, with the significant backlogs facing U.S. courts due to closures associated with the COVID-19 pandemic. There is no comparable backlog in the arbitration system, and arbitrations can be held remotely if necessary or desired by the parties.

Second, in its oversight of Amtrak, Congress has directed Amtrak to “use its best business judgment in acting to minimize United States Government subsidies.” Arbitration achieves that aim by streamlining the scope, and thus the expense, of the traditional civil litigation proceeding. The only beneficiaries of protracted and extraordinarily expensive court litigation are the lawyers, whose fee agreements can consume up to 40 percent of a successful claimant’s award.

Amtrak’s arbitration program has been carefully crafted to meet the standards for such programs set forth in Supreme Court and other judicial rulings, proving false the vague assertions that our program violates passengers’ constitutional rights. Indeed, the program goes far beyond those standards in order to provide a fair, flexible, and easy-to-utilize process for our passengers. Amtrak has a fundamental commitment to Congress to be a careful steward of taxpayer funds. Amtrak spends roughly \$2–3 million annually—some \$11 million over the last five years—for outside counsel to represent the Company with respect to passenger claims. We believe arbitrating disputed passenger claims under our policy will reduce those costs significantly; that is money that can then be spent in safety programs and other passenger service and care programs.

For these reasons, Amtrak plans to continue with this policy for the foreseeable future.

*Question 3.* Section 11207 of the FAST Act requires Amtrak to eliminate operating loss from food and beverage services. Despite this fact, there has been Congressional support for Amtrak serving expensive gourmet meals.

*Question 3a)* In light of COVID-19 and other financial difficulties, do you believe Amtrak should be offering meals such as filet mignon and French toast to passengers?

*ANSWER.* Section 11207 of the FAST Act’s prohibition on using federal funds to cover operating losses associated with food and beverage service (previously codified at 49 U.S.C. § 24321(d)) was repealed by P.L. 116–159 on September 30.

Amtrak offers traditional dining with sit-down meal service on six long distance routes with trip times over 30 hours, and to sleeping car passengers on the *Auto Train* between Virginia and Florida. Sample menus may be found online.<sup>17</sup> While Amtrak does not serve filet mignon, French toast, a popular offering in diners and fast food restaurants, is one of the breakfast choices.

Due to COVID-19, only the *Auto Train* currently offers traditional dining. On other long distance routes we are temporarily offering sleeping car passengers the flexible dining service we have introduced in recent years for sleeping car passengers on most shorter (one-night) long distance routes. Flexible dining, which offers pre-plated meals picked up from an attendant or delivered to rooms, is described on our web site, where one can also find sample menus.<sup>18</sup>

*Question 3b)* Will you follow the law and ensure that Amtrak’s meal options are fiscally prudent, eliminate financial losses, and do not result in an unnecessary waste of taxpayer money?

*ANSWER.* Notwithstanding the repeal of 49 U.S.C. § 24321(d), improving financial performance of food service remains one of Amtrak’s goals. We will continue to make smart business decisions that seek to provide a positive customer experience while at the same time minimizing costs. As on airlines, most of which provide (complimentary) meal service to all passengers on trips of much shorter duration than trips on Amtrak’s long distance trains, offering food service that is both cost-efficient and meets customers’ expectations and dietary requirements is essential to optimizing financial performance.

*Question 4.* Do you support or oppose the use of private cars on Amtrak trains and charter trains operated by Amtrak?

<sup>17</sup><https://www.amtrak.com/onboard/meals-dining/dining-car.html>

<sup>18</sup><https://www.amtrak.com/onboard/meals-dining/flexible-dining.html>

**ANSWER.** Amtrak supports the use of private cars on Amtrak trains and charter trains operated by Amtrak. In 2018, Amtrak revised its policies related to both these activities to ensure we conducted them with the highest standards of safety, to minimize operational impacts, and to ensure the associated fees fully covered all the related costs. You can find all our private car information, as well as a link to our detailed private car policy, on our web site.<sup>19</sup> For charter trains, the relevant information is also on the Amtrak site.<sup>20</sup>

**Question 5.** Last year, some of Amtrak's creditors filed suit alleging inappropriate handling of Amtrak's Alstom-Bombardier HHP-8 locomotives.

a) Is it true that Amtrak has retired all those locomotives after only 10 years of revenue service?

b) What is Amtrak doing with the retired HHP-8 locomotives today?

c) Is this situation indicative of Amtrak's typical fleet maintenance practices?

**ANSWER.** As this matter is subject to on-going litigation, we cannot comment at this time under guidance from our counsel.

**Question 6.** If funding and financing were put in place tomorrow, what would the timeline be for the Gateway Program? When would the new Hudson River tunnel open? When would rehabilitation of the existing tunnel be completed?

**ANSWER.** We and our partners continue to do everything in our power to advance Gateway, and we are optimistic that significant progress will be made in the coming year. Portal North Bridge will begin construction in 2021. Early work on Hudson Yards Concrete Casing Section 3 began in September. And additional Gateway projects, such as Sawtooth, Dock Bridge, and Penn Station Expansion, are advancing into the design phase and NEPA review. The Hudson Tunnel Project is a 10-year program: approximately seven and a half years for construction of the new tunnel, then a year and a half per tube for rehabilitation of the existing century-old tunnel. The broader Gateway Program, including expansion of Penn Station New York, the Sawtooth Bridges Replacement, and Portal South Bridge, among others, could be delivered by 2035 if all funding and financing were in place, and assuming that all necessary approvals and permits were granted expeditiously.

**Question 7.** Can you discuss the reasons for variations in load factor for Northeast Corridor, State-Supported, and Long-Distance routes?

**ANSWER.** Load factors on a given route or service line are driven by the capacity (seat-miles) offered on the trains, the level of total demand (passengers) on the trains, the distance those passengers choose to travel (passenger-miles), and the distribution of the various destinations along the length of the route served. Load factors in any period can vary based on decisions regarding capacity offered and by customer behavior, which in turn can be influenced by the economic environment, competition, product pricing, and a host of other external factors. Variations in load factors across the service lines in FY 2020 reflect the myriad differences across these variables in a fluid environment under great stress given the role of the pandemic in daily life. While a commercial airliner traveling from one city to another city could achieve a 100% load factor, a train that serves multiple destinations along a route is much less likely to do so. Conversely, that same airliner can only sell each seat once for a given trip, whereas an Amtrak train often sells a given seat multiple times. (For example, someone may travel from Washington to Baltimore and de-train, at which point a second person may ride from Philadelphia to New York in that seat, and then a third could ride from New York to Providence.) For a long distance train, it is also worth noting that sleepers tend to support a higher load factor than do coaches, such that the total load factor for a long distance train is an average between the full or nearly full sleepers and the coaches, which have more turnover and are relatively less full.

QUESTIONS FROM HON. LLOYD SMUCKER TO WILLIAM FLYNN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

**Question 1.** What is the Keystone Line's current ridership as of 9/24/20 and do you believe projected passenger demand warrants full service?

**ANSWER.** Actual *Keystone* ridership in the first eleven months of FY 2020 was 761,987, with a forecast September ridership of 19,586, for a projected total FY 2020 ridership of 781,573. (Please note that service was entirely suspended for more than two months earlier in the year as a result of the ongoing pandemic; service between Philadelphia and New York City remains reduced.)

<sup>19</sup> <https://www.amtrak.com/privately-owned-rail-cars>

<sup>20</sup> <https://www.amtrak.com/charter-your-private-train>

As one of Amtrak's state supported services, the *Keystone* is supported by funding from the Commonwealth of Pennsylvania; accordingly, service levels reflect the Commonwealth's wishes. Amtrak is committed to continuing to work with all its state partners to provide the level of service they wish to see.

*Question 2.* How does Amtrak's CY2020 revenue from the Keystone line compare to this time last year?

*ANSWER.* In January and February *Keystone* revenue in CY 2020 was up year-over-year, in keeping with the performance of many other routes. Because of the pandemic, revenue in subsequent months has lagged FY 2019 levels.

Actual *Keystone* ticket revenue in the first eight months of CY 2020 was roughly \$10.2 million, with a forecast September ticket revenue of roughly \$564,000. *Keystone* ticket revenue in the first eight months of CY 2019 was roughly \$31.4 million, and September 2019 ticket revenue was roughly \$4.0 million. The CY 2020 figures reflect the suspension of *Keystone* service for more than two months, as well as reductions in service.

*Question 3.* How does Amtrak's capital investment over the past 5 years in the Keystone line compare to the Commonwealth of Pennsylvania's investment in the line over the same timeframe?

*ANSWER.* Capital expenditures for Fiscal Years 2016 through 2020 by Amtrak, the Commonwealth of Pennsylvania and SEPTA on Keystone Line infrastructure and Keystone Line stations served by Amtrak were approximately:

• Amtrak .....	\$99.7 million
• Commonwealth of Pennsylvania .....	\$66.1 million
• SEPTA .....	\$43.0 million
<hr/>	
• Total .....	\$208.8 million

The figures for Pennsylvania and SEPTA reflect the amounts they provided to Amtrak (including any unpaid billings) or reported; Fiscal Year 2020 expenditures are pre-audit. The SEPTA figures reflect investments on the portion of the Keystone Line between Philadelphia and Thorndale predominantly used by SEPTA trains and passengers; they include funding provided to SEPTA by the Commonwealth of Pennsylvania and the Federal Transit Administration.

*Question 4.* As of 9/24/2020 what percentage of Amtrak stations along the Keystone line are ADA compliant?

*ANSWER.* Amtrak is solely responsible for ADA compliance at two of the 11 stations on the Harrisburg Line (Parkesburg and Middletown) and shares ADA responsibility with other entities at six stations (Paoli, Coatesville, Lancaster, Mount Joy, Elizabethtown, and Harrisburg). Of those eight stations:

- two are fully compliant (Paoli and Mount Joy);
- four are not fully compliant, but platforms and trains can be accessed by passengers using wheelchairs (Lancaster, Elizabethtown, Middletown, and Harrisburg); and
- two are not compliant (Coatesville and Parkesburg).

SEPTA is responsible for ADA compliance at three stations used predominantly by SEPTA trains and passengers. Of these stations, Exton is compliant and construction of investments at Ardmore and design of investments at Downingtown to bring these stations into compliance are underway.

Of the six stations that are not fully ADA-compliant for which Amtrak has or shares ADA responsibility:

- the Pennsylvania Department of Transportation is progressing projects to replace the Middletown and Coatesville stations with new, fully ADA-compliant stations; and
- design or construction of improvements to bring three other stations (Parkesburg, Lancaster, and Harrisburg) into full compliance is underway.

Amtrak expects that all components of Amtrak-served stations on the Keystone Line for which we have ADA responsibility will be fully ADA compliant by 2026. In recent years, Amtrak's expenditures on ADA compliance have exceeded the amounts that Congress has directed us to spend. We remain committed to working with Congress, and with the commuter railroads, states, municipalities, and other entities that have or share ADA compliance responsibility at the majority of our stations, to achieve full compliance at all stations.

*Question 4a)* What percentage of those completed upgrade projects were paid for by Amtrak compared to the Commonwealth of Pennsylvania or other entities?

ANSWER. The following are the approximate expenditures since 2009 for completed ADA compliance projects at the 11 Keystone Line stations:

• Amtrak .....	\$23.6 million
• SEPTA .....	\$57.0 million
• Commonwealth of Pennsylvania .....	\$59.0 million
• Total .....	\$139.6 million

The figures for Pennsylvania and SEPTA reflect the amounts they provided to Amtrak (including any unpaid billings) or reported; Fiscal Year 2020 expenditures are pre-audit. The SEPTA figures reflect expenditures at the Paoli and Exton stations predominantly used by SEPTA trains and passengers; they include funding provided to SEPTA by the Commonwealth of Pennsylvania and the Federal Transit Administration. The Amtrak figures do not include the \$11 million Amtrak has spent on completed ADA compliance projects at William H. Gray III 30th Street Station in Philadelphia, which is served by Keystone Service trains but is not located on the Keystone Line.

Question 5. Do all Amtrak revenues generated on the Keystone Line aside of ticket sales, including fees generated from other rail line utilizers get reinvested back into Keystone line?

ANSWER. Sec. 209 of the Passenger Rail Investment and Improvement Act defines “Keystone Line” as the segment between Philadelphia and Harrisburg; the *Keystone* segment between Philadelphia and New York is treated as part of the NEC, and revenues generated along that segment of track are credited accordingly.

The revenues generated from travel between Philadelphia and Harrisburg are credited against the operating costs that Pennsylvania is responsible for under the Sec. 209 formula. Those revenues are not specifically segregated and used for investments, but they are used to offset the state’s obligation, for operating purposes.

SEPTA access charges are assessed and allocated based on the PRIIA Sec. 212 formula; revenue based on real estate that Amtrak owns (i.e., from retail leasing in William H. Gray III 30th Street Station) is handled separately, along with an allocation of costs that support that revenue.

QUESTIONS FROM HON. SCOTT PERRY TO WILLIAM FLYNN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

Question 1. In response to my question about the questionable accounting practices at Amtrak, you stated:

“So, the largest difference between adjusted operating income and GAAP is the exclusion of EBITDA for discussion purposes.

Many companies, across varied industries, often talk in terms of EBITDA, or some form of adjusted operating income to provide investors, if we’re talking about a publicly traded company, to provide investors with as accurate a view of the core operating results of the company. But GAAP, of course, is the bottom line and we report on that.

The biggest number is depreciation which largely addresses the catch up in investing that the company is doing in fleet and other infrastructure. That hasn’t been done for many, many years.”

According to the Congressional Research Service, Amtrak changed its definition of “total expenses” to exclude depreciation and other items in 2017—not “many, many years” ago.<sup>1</sup>

Can you please provide me with Amtrak’s justification for why they chose to make such a definition change in 2017?

ANSWER. In Amtrak’s audited consolidated financial statements,<sup>21</sup> the definition has not changed: “depreciation and amortization” is included within “total expenses” for FY 2014 through FY 2019 (i.e., all years for which the statements are posted), as it will be in the FY 2020 statement.

The CRS figures for Amtrak’s “total expenses” in the linked report agree with Amtrak’s own reported total expenses for FY 2015 and FY 2016; note that their figures in FY 2017 through FY 2019 are actually *lower*, not higher, than Amtrak’s reported totals. It is possible that the cited note is referring to a change Amtrak made in

<sup>1</sup> See “Table I. Amtrak Revenues, Expenses, and Federal Support, FY2015–FY2019, Notes.” Page 5. <https://fas.org/sgp/crs/misc/R45942.pdf>

<sup>21</sup> <https://www.amtrak.com/reports-documents>

its monthly performance reports. During FY 2018, we began reporting adjusted operating results in those documents, specifically, to be more consistent with how management views financial data and in an effort to make sure various reports were consistent.

*Question 2.* Along those same lines, in response to my question about the difference between FY19 operating expenses and the FY21 request:

“Well, I think the expense there is the total expense on a GAAP basis. And so, there’s hundreds of millions of dollars of depreciation in that number.”

As the Congressional Research Service clearly indicates, the FY19 total operating expenses cited do not include depreciation.

According to your opening statement,

“Therefore, as explained this summer, we are implementing our plans to adjust our service and workforce levels, beginning in October. As difficult as these actions are, if we do not take such cost saving measures and fail to receive supplemental funding, we anticipate burning nearly \$250 million, each month. At this rate of loss, we would be forced to take drastic measures with long lasting impacts on the company, on our employees, and on our network.”

Assuming you reach the anticipated burn rate for each of the 12 months for FY21, the annual burn rate would be \$3 billion without adjusting service or workforce levels. This seems to contradict your answer that the \$4.9 billion is necessary if

“Congress so directs that we do not furlough employees” and “operating expenses for the long-distance network, if we’re directed to operate a seven-day service.”

Can you please explain why the request exceeds the annual burn rate by \$1.9 billion and why it exceeds the “total expenses” reported by Amtrak from FY19 by more than \$700 million?

*ANSWER.* The \$250 million “burn rate” figure to which I referred assumes that Amtrak does receive its requested level of base funding (\$2.040 billion) but does not receive its requested level of supplemental funding (an additional \$2.817 billion). The requested level of supplemental funding works out to roughly \$235 million per month—somewhat less than the burn rate we discussed.

Amtrak’s \$4.857 billion combined FY 2021 request (base + supplemental) for Amtrak and its state partners exceeds Amtrak’s FY 2019 total expenses (\$4.397 billion, as reported in our publicly available audited consolidated financial statements)<sup>22</sup> primarily because it includes roughly \$500 million to replace payments that our cash-strapped Sec. 209 and Sec. 212 partners would otherwise need to make for the state supported service we provide, and for use of the NEC. Note that \$500 million exceeds the difference between these two figures.

*Question 3.* I understand that some of the \$4.9 billion comes due to lost passenger revenue and state subsidies.

Does Amtrak expect passenger revenue and state subsidies to increase during FY21 as the economy reopens or are they projected to remain flat and what impact will that have on future viability/need for additional federal funds moving forward?

*ANSWER.* We expect a gradual increase in ridership and passenger revenue as the fiscal year progresses, with ticket revenues remaining near current, COVID-affected levels through February, followed by gradual upticks beginning in March; we estimate that we could achieve close to 50% of pre-COVID levels by the end of FY 2021. Under such a scenario, total state subsidies would double their normal levels, from roughly \$235 million to roughly \$470 million (absent CARES-style assistance). However, these expectations entail a great deal of uncertainty, and reflect assumptions about conditions over which Amtrak has no control (e.g., progress towards development and widespread distribution of a vaccine for COVID-19).

*Question 4.* Further, the request for \$4.9 billion seems to exceed Amtrak’s transportation footprint—Amtrak carries less one tenth of one percent of National passenger travel. It also raises significant fairness questions about providing additional subsidies exceeding Amtrak’s total expenses from FY19 when Congress has yet to provide any assistance to direct, private competitors of Amtrak. The Motor Coach Industry carries more than ten times as many passenger miles as Amtrak does and

<sup>22</sup><https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/corporate/financial/Amtrak-Audited-Consolidated-Financial-Statements-FY2019.pdf>

they have been devastated by the COVID-19 pandemic, yet they are expected to subsidize their competitors while they suffer.

How can the \$4.9 billion request be justified in light of Amtrak's small footprint and the lack of funding for its direct competitors?

**ANSWER.** The level of emergency financial aid Congress provides to Amtrak does not, and did not, constrain Congress from providing emergency funding to other modes of transportation. The \$50 billion in federal funding Congress provided to the airline industry, which competes with Amtrak, in the CARES Act dwarfs the approximately \$1 billion that Amtrak received. While the CARES Act did not provide direct funding to the motor coach industry (the vast majority of whose ridership is attributable to charter and commuter passengers for whom Amtrak does not compete), it provided over \$2 billion for the Federal Transit Administration's Section 5311 program that can be used for rural intercity bus service, and most motorcoach companies are small businesses eligible for Payroll Protection Program funding. Nonetheless, because Amtrak has partnerships and contractual relationships with hundreds of motor coach companies throughout the country that provide connecting Thruway bus service for Amtrak passengers to communities we do not directly serve and substitute service during Amtrak disruptions, we share the concern about the impact of COVID-19 on the motor coach industry.

Of Amtrak's \$4.857 billion FY 2021 funding request, \$2.040 billion is simply our base annual funding request—effectively a continuation of pre-pandemic funding levels. We are requesting an additional \$2.817 billion for Amtrak and its state partners in response to unprecedented effects of the ongoing pandemic, which has caused a massive and sustained reduction in ticket revenue that will likely continue for many months. (Included in this amount is the \$546 million that would be required if Congress determines that Amtrak should not furlough any employees and should continue to operate pre-COVID-19 service frequency on all long distance routes.) Without this additional funding, Amtrak will need to defer numerous capital projects and procurements critical to our future; we are advised by our state partners that many of them may be forced to cancel corridor train service, which could prove very difficult to restore; and perhaps 2,400 corresponding additional jobs (linked to the aforementioned capital projects and state supported service) could be at risk.

*Question 5.* Finally, you offered to meet with me and my office to go through these issues in further depth.

Can you please have your staff arrange such a briefing with my Legislative Director?

**ANSWER.** We are always available to meet with you and your staff; our Government Affairs team will work to schedule a meeting.

QUESTIONS FROM HON. GARRET GRAVES TO WILLIAM FLYNN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Amtrak often treats the long distance routes like they are isolated, land-based cruise ship routes. But thousands of riders make connections between long-distance trains and other service, including state-supported routes, commuter lines, Northeast Corridor services, Amtrak's connecting bus services and a host of other transportation options.

On the Gulf Coast, our New Orleans to Mobile route will connect with three of Amtrak's long-distance services in New Orleans, and this connectivity played a significant role in applications for CRISI and REG grants from the FRA. In awarding grants to the project, the FRA recognized that the ability to connect with multiple long-distance services at New Orleans made the project more viable.

Amtrak's decision to cut back nearly all long-distance services jeopardizes the viability of services like those which are being actively rebuilt in the Gulf States. Decreases in long-distance routes will threaten the future of the Mobile-New Orleans route and future phases of the project, leaving local stakeholders feeling like there isn't a future for passenger rail in our region.

How can Amtrak better coordinate with the FRA to ensure that federal dollars toward infrastructure improvement projects with non-Amtrak passenger rail components are not wasted?

**ANSWER.** Amtrak already works in close coordination with FRA to ensure that federal funding for rail infrastructure investments—both for existing or planned Amtrak services such as restoration of New Orleans-Mobile service, and for projects that have non-Amtrak components but will benefit Amtrak—is spent on projects that will make the best use of federal dollars. As a member of the Gulf Coast Working Group chaired by FRA, Amtrak has worked with FRA, the Southern Rail Commission (SRC) and other stakeholders for nearly five years to identify the optimal

infrastructure investments to facilitate restoration and reliable operation of Amtrak service between New Orleans and Mobile. We have also worked with SRC and other Gulf Coast stakeholders on successful applications to FRA for federal funding, for which Amtrak has agreed to contribute funding to the required non-federal match. In addition to working with FRA on projects that directly benefit Amtrak services, we regularly advise FRA of applications for federal rail funding grants by states, commuter and freight railroads that we support because we believe they would provide an indirect benefit to passenger rail.

We are very cognizant of the importance of facilitating connectivity between planned state supported routes like New Orleans-Mobile and our long distance network. The many benefits that will be realized from the investments that the federal government, and Amtrak, states and local governments, have made or committed to make to restore New Orleans-Mobile service will not in any way be affected by the temporary reductions in service frequency Amtrak is making on two of the three long distance routes with which that service will connect in New Orleans. As I stated in my testimony, Amtrak plans to restore daily service on all the routes on which service frequency is being reduced due to dramatic reductions in passenger demand attributable to COVID-19 once ridership demand returns. We hope that progress in addressing COVID-19, and resulting increases in ridership, will result in restoration service by June of 2021, in accord with the criteria for service restoration I described in my testimony.

The reality is that the delay in reintroducing New Orleans-Mobile service, and the greatest threat to the service going forward, has not been due to Amtrak, but rather action or lack thereof by the service's host railroads. In early 2016, Amtrak operated a very well received demonstration train along the proposed route. The enthusiasm of the crowds of people across the region who turned out to show support for the service reflected Amtrak's own enthusiasm for the new service and was representative of our commitment to the endeavor. However, the return of service to the Gulf Coast has been delayed by a lack of cooperation from the freight host railroads. CSX initially demanded \$2 billion in capital investment to restore service consisting of just two daily Amtrak trains. In contrast, the Congressionally directed Gulf Coast Working Group concluded in a report issued July 2017 that \$117.67 million in capital investment would be needed.<sup>23</sup> We are currently progressing another study with the host railroads and continue to advocate for a fair and expeditious process to return Amtrak service to the Gulf Coast region.

*Question 2.* Last week, Long-Distance trains provided 30 percent all bookings, and 55 percent of all revenue to Amtrak. More revenue than State-Supported and Northeast Corridor services combined. In addition, Long-Distance services have gained riders and revenue every month since April.

How can Amtrak justify the decision to cut a service that is outperforming its other service sectors and has shown consistent improvement?

*ANSWER.* Roughly seven months since the onset of the COVID-19 pandemic, ridership and revenues on long distance routes (other than the *Auto Train*) are still two-thirds below FY 2019 levels and showing no indications of significant improvement as we enter the fall/winter period when monthly long distance ridership normally decreases by up to 40%. As a result, every long distance train we operate is incurring large, increasing and unsustainable cash losses, while carrying few passengers.

While reductions in long distance ridership and revenues since the onset of COVID-19 have not been as large as the reductions on our state supported and Northeast Corridor services, a major reason for this is that we have continued to operate pre-COVID service frequency on most long distance routes while significantly reducing, and in some cases suspending, service frequency on virtually all other routes.

*Question 3.* As the Rail Passenger Association pointed out in their testimony, losses to local economies from Long-Distance service cuts at over \$2.3 billion nationally, including \$179 million on the trains serving Louisiana alone. Today, do you understand the economic impact of focusing service cuts on less urban parts of the country?

*ANSWER.* During the first six months of the COVID-19 pandemic, virtually all the service reductions Amtrak made were on Northeast Corridor and state supported routes that predominantly serve more urbanized regions. While service frequency on both the Northeast Corridor and our state supported route network was reduced by over 50%, and some state supported routes were suspended entirely at the request

<sup>23</sup>[https://railroads.dot.gov/sites/fra.dot.gov/files/fra\\_net/17156/2017-07-17\\_Gulf%20Coast%20Working%20Group%20Report%20to%20Congress%20%28Main%20Section%29-%20Final.pdf](https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/17156/2017-07-17_Gulf%20Coast%20Working%20Group%20Report%20to%20Congress%20%28Main%20Section%29-%20Final.pdf)



of state partners, the only reduction in long distance service frequency was the consolidation of our two daily New York-Miami trains into a daily service in early July.

While we have endeavored to maintain service frequency on long distance routes, we must operate within our financial means and use our taxpayer-provided resources as efficiently as possible. As of this writing, we have not received any additional funding for Fiscal Year 2021 to make up for the massive decreases in revenues we are experiencing as a result of the COVID-19 pandemic. If Congress provides sufficient additional funding, it would be possible to avoid or reverse long distance service reductions.

Amtrak understands that long distance trains deliver significant economic benefits to the communities and states that they serve. However, most of the economic benefits attributable to Amtrak's services, such as the passengers' expenditures on hotels, restaurant meals and entertainment and recreation at the destinations to which they travel, are driven by the number of passengers traveling. When ridership declines by two-thirds, as is the case on our long distance routes, there is a proportionate decrease in these expenditures, even if passengers engage in normal activities at their destination.

## APPENDIX A

## AS REFERENCED IN QUESTION A.2

*Pure Running Time and Total Scheduled Time by Train*

All times provided in *hours:minutes:seconds* format. Days of operation reflect pre-pandemic operations.

**Acela**

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
2100	M-F	Washington Union Station ..	New York .....	225.10	02:52:00	02:28:36
2103	M-F	New York .....	Washington Union Station ..	222.10	02:55:00	02:28:54
2104	M-F	Washington Union Station ..	New York .....	225.10	02:49:00	02:28:36
2107	M-F	New York .....	Washington Union Station ..	222.10	02:53:00	02:27:36
2109	M-F	New York .....	Washington Union Station ..	225.10	02:53:00	02:25:36
2110	M-F	Washington Union Station ..	New York .....	225.10	02:50:00	02:28:36
2117	M-F	New York .....	Washington Union Station ..	225.10	02:52:00	02:24:12
2119	M-F	New York .....	Washington Union Station ..	225.10	02:55:00	02:26:00
2121	M-F	New York .....	Washington Union Station ..	225.10	02:51:00	02:26:00
2122	M-F	Washington Union Station ..	New York .....	225.10	02:50:00	02:28:30
2124	M-F	Washington Union Station ..	New York .....	225.10	02:49:00	02:28:30
2126	M-F	Washington Union Station ..	New York .....	225.10	02:52:00	02:30:12
2128	M-F	Washington Union Station ..	New York .....	225.10	02:50:00	02:28:30
2150	M-F	Washington Union Station ..	Boston—South Sta. ....	457.56	06:41:00	05:32:42
2151	M-F	Boston—South Sta. ....	Washington Union Station ..	456.56	06:46:00	05:40:42
2153	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:49:00	05:35:48
2154	M-F	Washington Union Station ..	Boston—South Sta. ....	457.56	06:45:00	05:34:48
2155	M-F	Boston—South Sta. ....	Washington Union Station ..	456.46	06:40:00	05:34:12
2155	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:40:00	05:34:36
2158	M-F	Washington Union Station ..	Boston South Sta. ....	457.56	06:56:00	05:34:42
2159	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:46:00	05:35:48
2160	M-F	Washington Union Station ..	Boston South Sta. ....	457.36	06:56:00	05:37:48
2163	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:51:00	05:35:48
2164	M-F	Washington Union Station ..	Boston South Sta. ....	457.06	06:46:00	05:37:18
2165	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:48:00	05:35:48
2166	M-F	Washington Union Station ..	Boston—South Sta. ....	456.96	06:40:00	05:36:36
2167	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:51:00	05:35:48
2167	Thu	Boston—South Sta. ....	New York .....	231.66	03:45:00	03:09:48
2168	M-F	Washington Union Station ..	Boston—South Sta. ....	457.36	06:50:00	05:37:42
2168	M-F	New York .....	Boston—South Sta. ....	232.26	03:49:00	03:09:12
2170	M-F	Washington Union Station ..	Boston—South Sta. ....	457.36	06:45:00	05:39:06
2171	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:46:00	05:35:48
2172	M-F	Washington Union Station ..	Boston South Sta. ....	457.36	06:48:00	05:39:54
2173	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:53:00	05:35:12
2173	M-F	Boston South Sta. ....	New York .....	231.66	03:45:00	03:09:48
2175	M-F	Boston—South Sta. ....	Washington Union Station ..	456.76	06:39:00	05:34:24
2190	M-F	New York .....	Boston South Sta. ....	232.46	03:48:00	03:07:42
2203	Sat	New York .....	Washington Union Station ..	225.10	02:58:00	02:27:30
2205	Sun	New York .....	Washington Union Station ..	225.10	02:59:00	02:26:54
2208	Sat	Washington Union Station ..	New York .....	225.10	02:51:00	02:30:36
2213	Sun	New York .....	Washington Union Station ..	225.10	02:59:00	02:27:30
2215	Sun	New York .....	Washington Union Station ..	225.10	02:54:00	02:27:30
2218	Sat	Washington Union Station ..	New York .....	225.10	03:00:00	02:30:36
2222	Sun	Washington Union Station ..	New York .....	225.10	02:55:00	02:30:36
2224	Sun	Washington Union Station ..	New York .....	225.10	02:55:00	02:30:36
2228	Sun	Washington Union Station ..	New York .....	225.10	02:55:00	02:30:36
2248	Sat	Washington Union Station ..	Boston—South Sta. ....	457.56	07:07:00	05:37:24
2249	Sat	Boston South Sta. ....	Washington Union Station ..	456.76	06:58:00	05:37:18
2250	Sun	Washington Union Station ..	Boston—South Sta. ....	457.56	07:03:00	05:38:00
2251	Sat	Boston South Sta. ....	Washington Union Station ..	456.76	06:53:00	05:37:18
2252	SaSu	Washington Union Station ..	Boston—South Sta. ....	457.36	07:17:00	05:39:48
2253	SaSu	Boston—South Sta. ....	Washington Union Station ..	456.56	06:54:00	05:40:18
2254	SaSu	Washington Union Station ..	Boston—South Sta. ....	457.36	06:53:00	05:39:48
2255	Sun	Boston—South Sta. ....	Washington Union Station ..	456.76	06:59:00	05:37:18

## Acela—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
2256	Sun	Washington Union Station ..	Boston—South Sta. ....	457.36	06:55:00	05:39:48
2257	Sun	Boston—South Sta. ....	Washington Union Station ..	456.76	06:59:00	05:37:18
2258	Sun	Washington Union Station ..	Boston—South Sta. ....	457.36	06:51:00	05:39:48
2259	Sun	Boston—South Sta. ....	Washington Union Station ..	456.76	06:54:00	05:37:18
2260	Sun	Washington Union Station ..	Boston—South Sta. ....	457.36	06:51:00	05:39:48
2261	Sun	Boston—South Sta. ....	Washington Union Station ..	456.76	06:54:00	05:37:18
2275	Sun	Boston—South Sta. ....	Washington Union Station ..	456.76	06:50:00	05:36:06
2290	Sat	New York .....	Boston—South Sta. ....	232.46	03:48:00	03:06:12

## Adirondack

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
68	Daily	Montreal, QC .....	New York .....	368.20	10:30:00	07:58:54
69	Daily	New York .....	Montreal, QC .....	368.81	10:55:00	07:50:00

## Auto Train

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
52	Daily	Sanford, FL .....	Lorton, Va. ....	877.00	16:59:00	14:58:00
53	Daily	Lorton, Va. ....	Sanford, FL .....	877.00	16:58:00	14:47:00

## Blue Water

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
364	Daily	Chicago, IL .....	Port Huron, MI .....	318.50	06:31:00	05:21:00
365	Daily	Port Huron, MI .....	Chicago, IL .....	317.70	06:25:00	05:11:00

## California Zephyr

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
5	Daily	Chicago, IL .....	Emeryville, CA .....	2525.62	52:10:00	43:40:00
6	Daily	Emeryville, CA .....	Chicago, IL .....	2520.32	51:40:00	43:34:00

## Capitol Corridor

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
520	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:58:00	01:38:00
521	M-F	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
522	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:58:00	01:38:00
523	M-F	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
524	M-F	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
525	M-F	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
527	M-F	Sacramento, CA	San Jose, CA	135.00	03:06:00	02:38:00
528	M-F	San Jose, CA	Sacramento, CA	135.00	03:09:00	02:34:00
529	M-F	Auburn, CA	Oakland, CA (Jack London Square)	126.10	02:59:00	02:34:00
530	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:58:00	01:38:00
531	M-F	Sacramento, CA	Oakland Coliseum, CA	94.60	02:03:00	01:47:00
532	M-F	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
534	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:58:00	01:38:00
535	M-F	Sacramento, CA	Oakland Coliseum, CA	94.60	02:03:00	01:47:00
536	M-F	Oakland, CA (Jack London Square)	Auburn, CA	126.10	02:57:00	02:26:00
537	M-F	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
538	M-F	San Jose, CA	Sacramento, CA	135.00	03:09:00	02:34:00
540	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:58:00	01:38:00
541	M-F	Sacramento, CA	San Jose, CA	134.90	03:04:00	02:38:00
542	M-F	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
543	M-F	Sacramento, CA	Oakland, CA (Jack London Square)	89.60	01:46:00	01:39:00
544	M-F	San Jose, CA	Sacramento, CA	135.00	02:59:00	02:34:00
545	M-F	Sacramento, CA	Oakland, CA (Jack London Square)	89.50	01:57:00	01:39:00
546	M-F	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
547	M-F	Sacramento, CA	San Jose, CA	135.00	03:13:00	02:38:00
548	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	02:06:00	01:38:00
549	M-F	Sacramento, CA	Oakland, CA (Jack London Square)	89.60	01:56:00	01:39:00
550	M-F	Oakland, CA (Jack London Square)	Sacramento, CA	89.50	01:59:00	01:38:00
551	M-F	Sacramento, CA	Oakland, CA (Jack London Square)	89.50	01:57:00	01:39:00
553	M-F	Sacramento, CA	Oakland, CA (Jack London Square)	89.50	01:57:00	01:39:00
720	SaSu	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:56:00	01:38:00
723	SaSu	Sacramento, CA	San Jose, CA	135.00	03:02:00	02:38:00
724	SaSu	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
727	SaSu	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
728	SaSu	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
729	SaSu	Auburn, CA	San Jose, CA	171.50	04:05:00	03:33:00
732	SaSu	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	02:03:00	01:38:00
733	SaSu	Sacramento, CA	Oakland, CA (Jack London Square)	89.60	01:56:00	01:39:00
734	SaSu	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:56:00	01:38:00
736	SaSu	Oakland, CA (Jack London Square)	Sacramento, CA	89.60	01:56:00	01:38:00
737	SaSu	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00
738	SaSu	San Jose, CA	Sacramento, CA	135.00	03:04:00	02:34:00
741	SaSu	Sacramento, CA	San Jose, CA	135.00	03:03:00	02:38:00

## Capitol Corridor—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
742	SaSu	San Jose, CA	Auburn, CA	171.60	04:01:00	03:22:00
743	SaSu	Sacramento, CA	San Jose, CA	135.00	03:08:00	02:38:00
744	SaSu	San Jose, CA	Sacramento, CA	135.00	03:03:00	02:34:00
745	SaSu	Sacramento, CA	Oakland, CA (Jack London Square).	89.60	01:56:00	01:39:00
746	SaSu	Oakland, CA (Jack London Square).	Sacramento, CA	89.60	01:56:00	01:38:00
747	SaSu	Sacramento, CA	Oakland, CA (Jack London Square).	89.60	01:46:00	01:39:00
748	SaSu	San Jose, CA	Sacramento, CA	135.00	03:03:00	02:34:00
749	SaSu	Sacramento, CA	Oakland, CA (Jack London Square).	89.60	01:56:00	01:39:00
751	SaSu	Sacramento, CA	Oakland, CA (Jack London Square).	89.60	01:56:00	01:39:00

## Capitol Limited

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
29	Daily	Washington Union Station	Chicago, IL	813.50	17:40:00	14:41:00
30	Daily	Chicago, IL	Washington Union Station	814.30	17:25:00	14:31:00

## Cardinal

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
50	TuThSa	Chicago, IL	New York	1152.70	23:59:00	22:40:18
51	WeFrSu	New York	Chicago, IL	1152.70	24:00:00	22:37:00

## Carolinian

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
79	M-F	New York	Charlotte, NC	718.10	13:30:00	10:25:24
79	SaSu	New York	Charlotte, NC	718.10	13:38:00	10:25:24
80	MoTuWeSa	Charlotte, NC	New York	717.70	13:50:00	10:28:12
80	ThFrSu	Charlotte, NC	New York	717.70	13:50:00	10:28:12

## Cascades

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
500	M-F	Eugene-Springfield, OR	Seattle, WA	307.80	06:20:00	05:17:00
501	Daily	Seattle, WA	Portland, OR	186.40	03:30:00	03:00:00
502	SaSu	Portland, OR	Seattle, WA	186.40	03:30:00	03:06:00
504	M-F	Portland, OR	Seattle, WA	186.40	03:30:00	03:06:00

## Cascades—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
505 .....	Daily .....	Seattle, WA .....	Eugene-Springfield, OR .....	307.80	06:20:00	05:11:00
506 .....	SaSu .....	Eugene-Springfield, OR .....	Seattle, WA .....	307.80	06:30:00	05:17:00
507 .....	Daily .....	Seattle, WA .....	Portland, OR .....	186.40	03:30:00	03:00:00
508 .....	Daily .....	Eugene-Springfield, OR .....	Seattle, WA .....	307.80	06:20:00	05:17:00
511 .....	M-F .....	Portland, OR .....	Eugene-Springfield, OR .....	121.40	02:35:00	02:11:00
513 .....	SaSu .....	Portland, OR .....	Eugene-Springfield, OR .....	121.40	02:35:00	02:11:00
516 .....	Daily .....	Seattle, WA .....	Vancouver, BC .....	156.00	04:00:00	03:29:00
517 .....	Daily .....	Vancouver, BC .....	Portland, OR .....	342.40	08:10:00	06:43:00
518 .....	Daily .....	Portland, OR .....	Vancouver, BC .....	342.40	08:00:00	06:35:00
519 .....	Daily .....	Vancouver, BC .....	Seattle, WA .....	156.00	04:10:00	03:43:00

## City of New Orleans

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
58 .....	Daily .....	New Orleans, LA .....	Chicago, IL .....	936.05	19:30:00	15:50:00
59 .....	Daily .....	Chicago, IL .....	New Orleans, LA .....	936.05	19:27:00	15:40:00

## Coast Starlight

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
11 .....	Daily .....	Seattle, WA .....	Los Angeles, CA .....	1379.40	35:15:00	27:22:00
14 .....	Daily .....	Los Angeles, CA .....	Seattle, WA .....	1379.40	33:46:00	27:18:00

## Crescent

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
19 .....	Daily .....	New York .....	New Orleans, LA .....	1393.40	26:14:00	24:45:30
20 .....	Daily .....	New Orleans, LA .....	New York .....	1393.30	26:46:00	24:43:18

## Downeaster

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
680 .....	M-F .....	Brunswick, ME .....	Boston (North Station) .....	145.06	03:20:00	03:03:30
681 .....	M-F .....	Boston (North Station) .....	Brunswick, ME .....	143.56	03:20:00	03:00:00
682 .....	M-F .....	Brunswick, ME .....	Boston (North Station) .....	145.06	03:20:00	03:03:30
683 .....	M-F .....	Boston (North Station) .....	Brunswick, ME .....	143.56	03:20:00	03:00:00
684 .....	M-F .....	Brunswick, ME .....	Boston (North Station) .....	145.06	03:20:00	03:04:30
685 .....	M-F .....	Boston (North Station) .....	Brunswick, ME .....	143.56	03:15:00	03:00:00
686 .....	M-F .....	Brunswick, ME .....	Boston (North Station) .....	145.06	03:20:00	03:03:30
687 .....	M-F .....	Boston (North Station) .....	Brunswick, ME .....	143.56	03:25:00	03:02:00
688 .....	M-F .....	Brunswick, ME .....	Boston (North Station) .....	145.06	03:20:00	03:03:30
689 .....	M-F .....	Boston (North Station) .....	Brunswick, ME .....	143.56	03:10:00	03:00:00

## Downeaster—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
690	SaSu	Brunswick, ME	Boston (North Station)	145.06	03:15:00	03:03:30
691	SaSu	Boston (North Station)	Brunswick, ME	143.56	03:20:00	03:00:00
692	SaSu	Brunswick, ME	Boston (North Station)	144.16	03:20:00	03:05:00
693	SaSu	Boston (North Station)	Brunswick, ME	143.56	03:20:00	03:00:00
694	SaSu	Brunswick, ME	Boston (North Station)	145.06	03:20:00	03:03:30
695	SaSu	Boston (North Station)	Brunswick, ME	143.56	03:20:00	03:00:00
696	SaSu	Brunswick, ME	Boston (North Station)	145.06	03:20:00	03:03:30
697	SaSu	Boston (North Station)	Brunswick, ME	143.56	03:20:00	03:01:00
698	SaSu	Brunswick, ME	Boston (North Station)	144.16	03:20:00	03:05:00
699	SaSu	Boston (North Station)	Brunswick, ME	143.56	03:10:00	03:00:00

## Empire Builder

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
27	Daily	Spokane, WA	Portland, OR	345.90	07:35:00	06:30:00
28	Daily	Portland, OR	Spokane, WA	345.90	07:28:00	06:39:00
7	Daily	Chicago, IL	Seattle, WA	2135.01	46:10:00	38:00:00
8	Daily	Seattle, WA	Chicago, IL	2135.21	45:15:00	37:50:00

## Empire Service

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
230	M-F	Albany/Rensselaer, NY	New York	130.70	02:20:00	02:10:00
232	M-F	Albany/Rensselaer, NY	New York	131.20	02:23:00	02:11:00
233	Daily	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:11:00
234	M-F	Albany/Rensselaer, NY	New York	131.20	02:25:00	02:11:00
235	M-F	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:11:00
236	M-F	Albany/Rensselaer, NY	New York	131.20	02:25:00	02:16:00
237	M-F	New York	Albany/Rensselaer, NY	130.80	02:24:00	02:09:00
238	Daily	Albany/Rensselaer, NY	New York	131.20	02:35:00	02:16:00
239	M-F	New York	Albany/Rensselaer, NY	130.80	02:40:00	02:10:00
241	Daily	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:11:00
242	M-F	Albany/Rensselaer, NY	New York	131.20	02:33:00	02:16:00
243	M-F	New York	Albany/Rensselaer, NY	134.10	03:47:00	02:22:30
244	Daily	Albany/Rensselaer, NY	New York	131.20	02:35:00	02:12:00
245	M-F	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:10:00
250	Fri-Sun	Albany/Rensselaer, NY	New York	131.00	02:30:00	02:15:00
252	FrSa	Albany/Rensselaer, NY	New York	131.00	02:30:00	02:15:00
253	Fri-Sun	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:10:00
254	Sun	Albany/Rensselaer, NY	New York	131.00	02:35:00	02:11:00
255	Fri	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:10:00
256	Sun	Albany/Rensselaer, NY	New York	131.00	02:35:00	02:15:00
259	Fri-Sun	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:10:00
260	Fri-Sun	Albany/Rensselaer, NY	New York	131.00	02:30:00	02:15:00
261	Fri-Sun	New York	Albany/Rensselaer, NY	130.80	02:29:00	02:09:00
280	Daily	Albany/Rensselaer, NY	New York	131.20	02:40:00	02:12:00
281	Daily	New York	Niagara Falls, NY	448.50	08:50:00	07:18:00
283	Daily	New York	Niagara Falls, NY	448.50	08:50:00	07:18:00
284	Daily	Niagara Falls, NY	New York	446.90	08:58:00	07:22:00
288	Sun	Niagara Falls, NY	New York	446.90	08:46:00	07:18:00
290	M-F	Rutland, Vt.	New York	233.27	05:30:00	04:28:54
291	Daily	New York	Rutland, Vt.	232.88	05:31:00	04:29:00

## Empire Service—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
292 .....	FrSa .....	Rutland, Vt. ....	New York .....	233.07	05:30:00	04:27:54

## Heartland Flyer

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
821 .....	Daily .....	Oklahoma City, OK .....	Fort Worth, TX .....	205.10	04:02:00	03:28:00
822 .....	Daily .....	Fort Worth, TX .....	Oklahoma City, OK .....	205.10	04:02:00	03:28:00

## Hiawatha

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
329 .....	M-F .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
330 .....	Mo-Sa .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:42:00	01:24:00
331 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
332 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
333 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
334 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
335 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
336 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
337 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
338 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
339 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:37:00	01:22:00
340 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
341 .....	Daily .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00
342 .....	Daily .....	Milwaukee, WI .....	Chicago, IL .....	85.50	01:29:00	01:18:00
343 .....	Fri .....	Chicago, IL .....	Milwaukee, WI .....	85.50	01:29:00	01:19:00

## Illini/Saluki

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
390 .....	Daily .....	Carbondale, IL .....	Chicago, IL .....	313.75	05:30:00	04:42:00
391 .....	Daily .....	Chicago, IL .....	Carbondale, IL .....	313.75	05:30:00	04:38:00
392 .....	Daily .....	Carbondale, IL .....	Chicago, IL .....	313.75	05:30:00	04:42:00
393 .....	Daily .....	Chicago, IL .....	Carbondale, IL .....	313.75	05:30:00	04:38:00

## Keystone

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
600 .....	M-F .....	Harrisburg, PA .....	New York .....	193.05	03:31:00	02:38:42
601 .....	M-F .....	Phila. 30th St. ....	Harrisburg, PA .....	104.25	01:50:00	01:32:00
605 .....	M-F .....	Phila. 30th St. ....	Harrisburg, PA .....	104.25	01:55:00	01:32:00
607 .....	M-F .....	Phila. 30th St. ....	Harrisburg, PA .....	104.25	01:45:00	01:25:48



## Keystone—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
609	M-F	New York	Harrisburg, PA	194.85	03:45:00	02:41:48
610	Sat	Harrisburg, PA	Phila. 30th St.	102.45	01:45:00	01:31:24
611	Sat	Phila. 30th St.	Harrisburg, PA	104.25	01:50:00	01:32:00
612	Sun	Harrisburg, PA	Phila. 30th St.	102.45	01:50:00	01:31:24
615	Sun	Phila. 30th St.	Harrisburg, PA	104.25	01:47:00	01:30:48
618	Mo-Th	Harrisburg, PA	Phila. 30th St.	102.55	01:40:00	01:30:18
619	M-F	Phila. 30th St.	Harrisburg, PA	104.25	01:51:00	01:32:00
620	M-F	Harrisburg, PA	Phila. 30th St.	102.55	01:41:00	01:29:48
622	M-F	Harrisburg, PA	Phila. 30th St.	102.55	01:41:00	01:29:48
637	Sun	New York	Phila. 30th St.	90.60	01:21:00	01:08:00
639	M-F	New York	Phila. 30th St.	90.60	01:24:00	01:09:30
640	M-F	Harrisburg, PA	New York	193.05	03:30:00	02:43:36
641	M-F	New York	Harrisburg, PA	194.85	03:28:00	02:43:18
642	M-F	Harrisburg, PA	New York	193.05	03:31:00	02:37:42
643	M-F	New York	Harrisburg, PA	194.85	03:19:00	02:39:36
644	M-F	Harrisburg, PA	New York	193.05	03:10:00	02:33:06
645	M-F	New York	Harrisburg, PA	194.85	03:29:00	02:39:36
646	M-F	Harrisburg, PA	New York	193.05	03:16:00	02:38:42
647	M-F	New York	Harrisburg, PA	194.85	03:18:00	02:36:00
648	M-F	Harrisburg, PA	New York	193.05	03:10:00	02:33:06
649	M-F	New York	Harrisburg, PA	194.85	03:55:00	02:45:42
650	M-F	Harrisburg, PA	New York	193.05	03:21:00	02:36:54
651	M-F	New York	Harrisburg, PA	194.85	03:26:00	02:41:00
652	M-F	Harrisburg, PA	New York	193.05	03:49:00	02:48:54
653	M-F	New York	Harrisburg, PA	194.85	03:24:00	02:41:30
654	M-F	Harrisburg, PA	New York	193.05	03:42:00	02:39:12
655	M-F	New York	Harrisburg, PA	194.85	03:29:00	02:45:00
656	M-F	Harrisburg, PA	New York	193.05	03:28:00	02:39:42
658	Fri	Harrisburg, PA	New York	193.15	03:20:00	02:38:36
660	SaSu	Harrisburg, PA	New York	193.05	03:29:00	02:43:12
661	SaSu	New York	Harrisburg, PA	194.85	03:19:00	02:41:00
662	Sat	Harrisburg, PA	New York	193.05	03:29:00	02:39:42
663	SaSu	New York	Harrisburg, PA	194.85	03:35:00	02:43:00
664	SaSu	Harrisburg, PA	New York	193.05	03:19:00	02:37:42
665	SaSu	New York	Harrisburg, PA	194.85	03:29:00	02:40:48
666	SaSu	Harrisburg, PA	New York	193.05	03:37:00	02:39:42
667	SaSu	New York	Harrisburg, PA	194.85	03:31:00	02:41:00
669	SaSu	New York	Harrisburg, PA	194.85	03:27:00	02:40:48
670	SaSu	Harrisburg, PA	New York	193.05	03:27:00	02:39:42
671	SaSu	New York	Harrisburg, PA	194.85	03:36:00	02:41:00
672	SaSu	Harrisburg, PA	New York	193.05	03:29:00	02:39:42
674	Sun	Harrisburg, PA	New York	193.05	03:29:00	02:39:42

## Lake Shore Limited

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
448	Daily	Chicago, IL	Boston—South Sta.	206.60	21:30:00	20:14:00
449	Daily	Boston—South Sta.	Albany/Rensselaer, NY	198.20	05:10:00	04:18:00
48	Daily	Chicago, IL	New York	983.00	19:57:00	15:20:30
49	Daily	New York	Chicago, IL	980.20	19:10:00	15:00:00

## Lincoln Service

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
300	Daily	St. Louis, MO	Chicago, IL	281.30	05:25:00	04:47:00
301	Daily	Chicago, IL	St. Louis, MO	281.30	05:20:00	04:34:00
302	Daily	St. Louis, MO	Chicago, IL	281.30	05:40:00	04:47:00
303	Daily	Chicago, IL	St. Louis, MO	281.30	05:35:00	04:46:00
304	Daily	St. Louis, MO	Chicago, IL	281.30	05:40:00	04:47:00
305	Daily	Chicago, IL	St. Louis, MO	281.30	05:30:00	04:46:00
306	Daily	St. Louis, MO	Chicago, IL	281.30	05:40:00	04:47:00
307	Daily	Chicago, IL	St. Louis, MO	281.30	05:30:00	04:46:00

## Maple Leaf

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
63	Daily	New York	Toronto, ON	530.50	12:25:00	09:15:00
64	Daily	Toronto, ON	New York	529.10	13:35:00	09:14:00

## Missouri River Runner

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
311	Daily	St. Louis, MO	Kansas City, MO	279.10	05:40:00	05:00:00
313	Daily	St. Louis, MO	Kansas City, MO	279.10	05:40:00	05:00:00
314	Daily	Kansas City, MO	St. Louis, MO	279.10	05:40:00	04:59:00
316	Daily	Kansas City, MO	St. Louis, MO	279.10	05:40:00	04:59:00

## Northeast Regional

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
111	M-F	New York	Washington Union Station ..	225.10	03:37:00	02:55:30
121	Sun	New York	Washington Union Station ..	225.10	03:24:00	02:45:30
122	Sun	Washington Union Station ..	New York	225.10	03:16:00	02:53:24
123	Sun	New York	Washington Union Station ..	225.10	03:30:00	02:49:30
124	SaSu	Washington Union Station ..	New York	225.10	03:29:00	02:53:12
125	M-F	New York	Newport News	413.30	08:44:00	06:08:30
126	Sun	Washington Union Station ..	New York	225.10	03:20:00	02:50:42
127	WeThFr	New York	Washington Union Station ..	225.10	03:24:00	02:40:36
129	M-F	New York	Washington Union Station ..	225.10	03:26:00	02:48:36
130	M-F	Washington Union Station ..	New York	225.10	03:30:00	02:53:12
131	Sat	New York	Washington Union Station ..	225.10	03:36:00	02:51:00
132	Sun	Washington Union Station ..	Boston—South Sta.	457.36	08:42:00	06:31:48
133	Fri	New York	Washington Union Station ..	225.10	03:21:00	02:41:06
134	ThFr	Washington Union Station ..	New York	225.10	03:23:00	02:47:24
135	SaSu	Boston—South Sta.	Washington Union Station ..	456.76	07:57:00	06:18:24
136	Fri	Washington Union Station ..	Springfield MA	365.96	07:08:00	05:31:12
137	M-F	Boston—South Sta.	Washington Union Station ..	456.76	08:12:00	06:15:24
138	M-F	Washington Union Station ..	New York	225.10	03:31:00	02:58:42
139	Sun	Boston—South Sta.	Washington Union Station ..	456.76	07:50:00	06:15:36
140	SaSu	Washington Union Station ..	Springfield MA	365.96	07:29:00	05:27:42
141	M-F	Springfield MA	Washington Union Station ..	365.86	07:13:00	05:26:00

## Northeast Regional—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
141	M-F	Springfield MA	Washington Union Station ..	365.86	07:23:00	05:26:00
141	M-F	Springfield MA	Washington Union Station ..	365.86	07:18:00	05:26:00
143	Sun	Springfield MA	Washington Union Station ..	365.86	07:21:00	05:29:00
145	Sun	New York	Roanoke, VA	452.40	08:52:00	07:14:30
146	Sat	Washington Union Station ..	Springfield MA	365.96	06:57:00	05:26:42
147	Sat	Springfield MA	Roanoke, VA	593.16	12:58:00	09:57:30
148	M-F	Washington Union Station ..	Springfield MA	365.16	07:25:00	05:31:12
149	Sun	Boston—South Sta.	Washington Union Station ..	456.76	08:27:00	06:17:36
150	SaSu	Washington Union Station ..	Boston—South Sta.	457.56	08:00:00	06:19:18
150	Sat	New York	Boston—South Sta.	232.46	04:14:00	03:29:36
151	MoTu	New York	Washington Union Station ..	225.10	03:26:00	02:46:30
152	SaSu	Washington Union Station ..	New York	225.10	03:37:00	02:52:12
153	SaSu	New York	Washington Union Station ..	225.10	03:27:00	02:48:30
154	Sun	Washington Union Station ..	New York	225.10	03:26:00	02:53:12
155	SaSu	New York	Washington Union Station ..	225.10	03:29:00	02:46:30
156	SaSu	Roanoke, VA	New York	452.40	09:06:00	07:27:12
157	Sun	Springfield MA	Norfolk, VA	586.63	12:38:00	09:10:00
158	Sun	Washington Union Station ..	New York	225.10	03:35:00	02:58:12
159	Sat	New York	Washington Union Station ..	225.10	03:31:00	02:48:30
160	Sun	New York	Boston—South Sta.	232.46	04:17:00	03:26:12
160	SaSu	Washington Union Station ..	Boston—South Sta.	457.56	07:53:00	06:17:30
161	SaSu	Boston—South Sta.	Washington Union Station ..	456.76	07:53:00	06:17:54
162	Sun	Washington Union Station ..	Boston—South Sta.	457.56	08:02:00	06:22:00
163	Sat	Boston—South Sta.	Washington Union Station ..	456.76	07:58:00	06:17:36
164	SaSu	Washington Union Station ..	Boston—South Sta.	457.36	08:07:00	06:32:18
164	SaSu	Richmond, VA	Boston—South Sta.	566.96	10:47:00	08:21:18
165	Sun	Boston—South Sta.	Washington Union Station ..	456.76	08:23:00	06:18:06
166	Sun	Washington Union Station ..	Boston—South Sta.	457.36	07:52:00	06:22:00
167	Sat	Boston—South Sta.	Washington Union Station ..	456.76	08:12:00	06:16:36
168	Sat	Washington Union Station ..	Boston—South Sta.	457.36	08:01:00	06:23:48
169	Sun	Boston—South Sta.	Washington Union Station ..	456.76	07:52:00	06:14:00
170	M-F	Washington Union Station ..	Boston—South Sta.	457.56	07:54:00	06:16:06
171	M-F	Boston—South Sta.	Roanoke, VA	684.16	13:40:00	10:55:24
172	M-F	Washington Union Station ..	Boston—South Sta.	457.36	08:03:00	06:27:24
172	M-F	Washington Union Station ..	Boston—South Sta.	457.36	07:53:00	06:20:24
173	M-F	Boston—South Sta.	Washington Union Station ..	456.76	07:55:00	06:15:30
174	M-F	Newport News	Boston—South Sta.	645.86	13:10:00	09:43:24
175	M-F	Boston—South Sta.	Washington Union Station ..	456.76	07:56:00	06:14:36
176	M-F	Roanoke, VA	Boston—South Sta.	684.76	13:52:00	10:59:24
177	M-F	Boston—South Sta.	Washington Union Station ..	456.76	08:06:00	06:24:00
178	M-F	Washington Union Station ..	Boston—South Sta.	457.36	08:18:00	06:23:48
179	M-F	Boston—South Sta.	New York	231.66	04:09:00	03:26:54
180	M-F	Washington Union Station ..	New York	225.10	03:14:00	02:49:24
181	SuTuWeFr	New York	Washington Union Station ..	225.10	03:27:00	02:49:30
182	M-F	Washington Union Station ..	New York	225.10	03:20:00	02:50:42
183	M-F	New York	Washington Union Station ..	225.10	03:24:00	02:43:00
184	M-F	Washington Union Station ..	New York	225.10	03:25:00	02:52:12
185	M-F	New York	Washington Union Station ..	225.10	03:22:00	02:45:30
186	M-F	Washington Union Station ..	New York	225.10	03:27:00	02:52:42
187	M-F	New York	Washington Union Station ..	225.10	03:21:00	02:43:00
189	[Sun	New York	Washington Union Station ..	225.10	03:29:00	02:47:30
190	M-F	Washington Union Station ..	Boston—South Sta.	457.56	07:54:00	06:16:24
190	M-F	New York	Boston—South Sta.	232.46	04:13:00	03:26:12
192	Sat	Washington Union Station ..	New York	225.10	03:25:00	02:53:12
193	M-F	New York	Washington Union Station ..	225.10	03:17:00	02:45:12
194	Sat	Newport News	Boston—South Sta.	645.76	12:48:00	09:40:24
195	SaSu	Boston—South Sta.	Washington Union Station ..	456.56	07:52:00	06:15:42
195	SaSu	Boston—South Sta.	Richmond, VA	566.16	10:29:00	08:08:42
196	Mo-Th	Washington Union Station ..	New York	225.10	03:25:00	02:54:42
198	WeFr	Washington Union Station ..	New York	225.10	03:26:00	02:50:42
82	Sat	Richmond, VA	Boston—South Sta.	566.96	10:51:00	08:15:54
82	Sat	Washington Union Station ..	New York	225.10	03:26:00	02:53:42

## Northeast Regional—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
84	M-F	Norfolk, VA	New York	445.77	08:18:00	06:38:42
84	M-F	Norfolk, VA	New York	445.77	08:15:00	06:35:12
85	M-F	New York	Richmond, VA	334.70	06:10:00	04:37:06
86	M-F	Richmond, VA	Boston—South Sta.	567.06	10:38:00	08:14:24
86	Wed	Washington Union Station	Boston—South Sta.	457.36	07:58:00	06:17:24
87	SaSu	New York	Norfolk, VA	445.77	08:31:00	06:37:00
88	SaSu	Norfolk, VA	Boston South Sta.	678.03	13:25:00	10:05:54
93	Mo-Th	Boston—South Sta.	Norfolk, VA	677.63	13:01:00	09:59:30
93	IFri	Boston South Sta.	Washington Union Station	456.76	07:48:00	06:15:30
94	M-F	Norfolk, VA	Boston—South Sta.	678.03	13:10:00	10:03:06
95	M-F	Boston South Sta.	Norfolk, VA	677.23	12:54:00	10:01:00
96	Sun	Newport News	Boston—South Sta.	645.76	13:37:00	09:40:24
99	SaSu	Boston South Sta.	Newport News	644.56	12:26:00	09:44:06

## Pacific Surfliner

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
1564	SaSu	Los Angeles, CA	San Diego, CA	128.60	02:56:00	02:20:00
1584	SaSu	Los Angeles, CA	San Diego, CA	128.40	02:59:00	02:20:00
1767	SaSu	San Diego, CA	Goleta, CA	241.30	06:25:00	04:36:00
564	M-F	Los Angeles, CA	San Diego, CA	128.60	02:59:00	02:20:00
579	Daily	San Diego, CA	Los Angeles, CA	128.60	03:01:00	02:22:00
580	Daily	Los Angeles, CA	San Diego, CA	128.60	02:52:00	02:20:00
584	M-F	Los Angeles, CA	San Diego, CA	128.40	02:54:00	02:20:00
593	Daily	San Diego, CA	Los Angeles, CA	128.60	02:59:00	02:22:00
763	Daily	San Diego, CA	Goleta, CA	241.30	06:01:00	04:36:00
767	M-F	San Diego, CA G	Goleta, CA	241.30	06:11:00	04:36:00
768	Daily	Goleta, CA	San Diego, CA	241.30	06:15:00	04:42:00
774	Daily	Los Angeles, CA	San Diego, CA	128.60	02:55:00	02:20:00
777	Daily	San Diego, CA	Goleta, CA	241.30	05:51:00	04:36:00
785	Daily	San Diego, CA	Los Angeles, CA	128.60	02:59:00	02:24:00
796	Daily	Goleta, CA	San Diego, CA	241.30	06:27:00	04:35:00

## Pennsylvanian

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
42	Daily	Pittsburgh, PA	New York	430.65	09:20:00	07:23:54
43	Daily	New York	Pittsburgh, PA	432.35	09:08:00	07:17:18

## Palmetto/Silver Service

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
89	MoThSa	New York	Savannah, GA	835.50	15:01:00	12:01:54
90	WeFrSu	Savannah, GA	New York	836.80	15:36:00	12:14:36
91	Fri-Sun	New York	Miami, FL	1521.50	30:55:00	25:08:30
92	ThFrSa	Miami, FL	New York	1520.00	31:00:00	25:02:48
97	Mo-Th	New York	Miami, FL	1391.20	27:21:00	21:36:42

## Palmetto/Silver Service—Continued

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
98 .....	SuMoTuWe	Miami, FL .....	New York .....	1391.20	26:50:00	21:26:30

## Pere Marquette

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
370 .....	Daily .....	Chicago, IL .....	Grand Rapids, MI .....	176.83	04:04:00	03:45:00
371 .....	Daily .....	Grand Rapids, MI .....	Chicago, IL .....	176.03	04:08:00	03:45:00

## Piedmont

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
73 .....	Daily .....	Raleigh, NC .....	Charlotte, NC .....	183.10	03:10:00	02:48:00
74 .....	Daily .....	Charlotte, NC .....	Raleigh, NC .....	182.70	03:11:00	02:49:00
75 .....	Daily .....	Raleigh, NC .....	Charlotte, NC .....	183.10	03:10:00	02:48:00
76 .....	Daily .....	Charlotte, NC .....	Raleigh, NC .....	182.70	03:11:00	02:49:00
77 .....	Daily .....	Raleigh, NC .....	Charlotte, NC .....	183.10	03:10:00	02:48:00
78 .....	Daily .....	Charlotte, NC .....	Raleigh, NC .....	182.70	03:11:00	02:49:00

## San Joaquin

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
701 .....	Daily .....	Bakersfield, CA .....	Sacramento, CA .....	280.60	05:37:00	04:26:00
702 .....	Daily .....	Sacramento, CA .....	Bakersfield, CA .....	280.60	05:31:00	04:25:00
703 .....	Daily .....	Bakersfield, CA .....	Sacramento, CA .....	280.60	05:23:00	04:26:00
704 .....	Daily .....	Sacramento, CA .....	Bakersfield, CA .....	280.60	05:31:00	04:25:00
710 .....	Daily .....	Oakland, CA (Jack London Square)	Bakersfield, CA .....	313.50	06:21:00	05:00:00
711 .....	Daily .....	Bakersfield, CA .....	Oakland, CA (Jack London Square)	313.50	06:15:00	05:01:00
712 .....	Daily .....	Oakland, CA (Jack London Square)	Bakersfield, CA .....	313.40	06:21:00	05:00:00
713 .....	Daily .....	Bakersfield, CA .....	Oakland, CA (Jack London Square)	313.50	06:15:00	05:01:00
714 .....	Daily .....	Oakland, CA (Jack London Square)	Bakersfield, CA .....	313.40	06:21:00	05:00:00
715 .....	Daily .....	Bakersfield, CA .....	Oakland, CA (Jack London Square)	313.50	06:15:00	05:01:00
716 .....	Daily .....	Oakland, CA (Jack London Square)	Bakersfield, CA .....	313.50	06:21:00	05:00:00
717 .....	Daily .....	Bakersfield, CA .....	Oakland, CA (Jack London Square)	313.50	06:18:00	05:01:00
718 .....	Daily .....	Oakland, CA (Jack London Square)	Bakersfield, CA .....	313.50	06:21:00	05:00:00
719 .....	Daily .....	Bakersfield, CA .....	Oakland, CA (Jack London Square)	313.50	06:17:00	05:01:00

## Southwest Chief

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
3	Daily	Chicago, IL	Los Angeles, CA	2321.50	43:10:00	36:32:00
4	Daily	Los Angeles, CA	Chicago, IL	2321.50	42:50:00	36:34:00

## Springfield Shuttles

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
400	SaSu	Springfield MA	Greenfield	38.31	01:08:00	00:59:00
409	Sun	Springfield MA	New Haven CT	65.30	01:22:00	01:14:36
417	M-F	Springfield MA	New Haven CT	65.30	01:23:00	01:14:36
450	Sat	New Haven CT	Springfield MA	65.10	01:23:00	01:16:06
460	Sun	New Haven CT	Springfield MA	65.10	01:23:00	01:16:06
461	SaSu	Greenfield	New Haven CT	103.61	02:41:00	02:06:36
463	Sat	Springfield MA	New Haven CT	65.30	01:22:00	01:14:36
464	SaSu	New Haven CT	Springfield MA	65.10	01:24:00	01:16:06
465	Sun	Springfield MA	New Haven CT	65.30	01:23:00	01:14:36
467	Sat	Springfield MA	New Haven CT	65.30	01:22:00	01:14:36
470	M-F	New Haven CT	Springfield MA	65.10	01:23:00	01:16:06
471	M-F	Greenfield	New Haven CT	103.61	02:43:00	02:06:36
473	M-F	Springfield MA	New Haven CT	65.30	01:23:00	01:14:36
474	M-F	New Haven CT	Springfield MA	65.10	01:25:00	01:16:06
475	M-F	Springfield MA	New Haven CT	65.30	01:23:00	01:14:36
476	M-F	New Haven CT	Springfield MA	65.10	01:23:00	01:16:06
478	M-F	New Haven CT	Greenfield	103.41	02:43:00	02:14:36
488	SaSu	New Haven CT	Greenfield	103.41	02:53:00	02:15:06
494	M-F	New Haven CT	Greenfield	103.41	02:48:00	02:14:36
495	M-F	Greenfield	New Haven CT	103.61	02:42:00	02:06:36
499	SaSu	Greenfield	Springfield MA	38.31	01:08:00	00:52:00

## Sunset Limited

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
1	SuTuFr	New Orleans, LA	Los Angeles, CA	2004.40	46:35:00	34:59:00
2	WeFrSu	Los Angeles, CA	New Orleans, LA	2004.40	45:40:00	34:59:00

## Texas Eagle

Train #	Days of Operation	Origin	Destination	Total Miles	Total Time (hh:mm:ss)	Pure Running Time (hh:mm:ss)
21	Daily	Chicago, IL	San Antonio, TX	1307.30	32:10:00	24:22:00
22	Daily	San Antonio, TX	Chicago, IL	1307.10	30:52:00	24:30:00

**Vermont**

<b>Train #</b>	<b>Days of Operation</b>	<b>Origin</b>	<b>Destination</b>	<b>Total Miles</b>	<b>Total Time (hh:mm:ss)</b>	<b>Pure Running Time (hh:mm:ss)</b>
54 .....	SaSu .....	Washington Union Station ..	St. Albans, VT .....	621.87	13:20:00	10:07:48
55 .....	M-F .....	St. Albans, VT .....	Washington Union Station ..	621.57	12:47:00	10:01:48
56 .....	M-F .....	Washington Union Station ..	St. Albans, VT .....	621.07	12:40:00	10:00:18
57 .....	SaSu .....	St. Albans, VT .....	Washington Union Station ..	621.57	13:13:00	10:08:06

**Wolverine**

<b>Train #</b>	<b>Days of Operation</b>	<b>Origin</b>	<b>Destination</b>	<b>Total Miles</b>	<b>Total Time (hh:mm:ss)</b>	<b>Pure Running Time (hh:mm:ss)</b>
350 .....	Daily .....	Chicago, IL .....	Pontiac, MI .....	310.30	06:19:00	05:11:00
351 .....	Daily .....	Pontiac, MI .....	Chicago, IL .....	312.10	05:42:00	04:58:00
352 .....	Daily .....	Chicago, IL .....	Pontiac, MI .....	312.90	06:14:00	05:07:00
353 .....	Daily .....	Pontiac, MI .....	Chicago, IL .....	312.10	06:05:00	05:03:00
354 .....	Daily .....	Chicago, IL .....	Pontiac, MI .....	312.90	06:05:00	05:07:00
355 .....	Daily .....	Pontiac, MI .....	Chicago, IL .....	312.10	06:05:00	05:05:00

## APPENDIX B

AS REFERENCED IN QUESTION G.4

<i>RouteName Summary</i>			
<b>Route</b>	<b>FY21 Revised Forecast</b>	<b>FY21 Revised Forecast</b>	<b>FY21 Revised Forecast</b>
<b>REVENUES</b>			
Ticket Revenue		\$ 1,239,403	\$ 1,607,014
Food & Beverage		\$ 62,919	\$ 87,561
Other Revenue		\$ 24,965	\$ 32,395
<b>Total Passenger &amp; Other Revenue</b>		<b>\$ 1,327,307</b>	<b>\$ 1,720,991</b>
<b>EXPENSES</b>			
<u>Third Party Costs</u>			
Host Railroad Maintenance of Way and Performance			
Incentives	\$ 145,145	\$ 353,609	\$ 604,710
Synthetic Host Railroad Charge			
Fuel and Power		\$ 152,794.62	\$ 261,321.47
<b>Subtotal: Third Party Costs</b>	<b>\$ 145,145</b>	<b>\$ 506,403</b>	<b>\$ 866,092</b>
<u>Route Costs</u>			
Train & Engine Crew Labor	\$ 163,164	\$ 1,117,323	\$ 1,611,447
Car & Locomotive Maintenance	\$ 491,123	\$ 790,362	\$ 940,713
Turnaround		\$ 519,662	\$ 885,768
Onboard Passenger Technology	\$ 30,517	\$ 30,517	\$ 30,517
OB&S - Crew	\$ 13,923	\$ 168,597	\$ 274,978
Commissary Provisions		\$ 37,061	\$ 53,865
<u>Route Advertising</u>			
Reservations & Call Centers	\$ 19,070	\$ 58,200	\$ 57,702
Stations - Route			
Stations - Shared	\$ 20,497	\$ 204,620	\$ 204,620
Station Technology	\$ 1,577	\$ 1,577	\$ 1,577
Commissions		\$ 27,257	\$ 35,905
Customer Concession		\$ 69	\$ 85
<u>Connecting Motor Coach</u>			
Regional/Local Police	\$ 12,759	\$ 12,759	\$ 12,759
Block & Tower Operations			
Terminal Yard Operations	\$ 640	\$ 4,382	\$ 5,320
Terminal MoW		\$ 26,286	\$ 43,247
Insurance	\$ 367,971	\$ 367,971	\$ 367,971
<b>Subtotal: Route Costs</b>	<b>\$ 1,198,261</b>	<b>\$ 3,365,335</b>	<b>\$ 4,546,795</b>
<u>Additives</u>			
Marketing		28,506	36,981
T&E	49,618	339,666	489,880
Mob	24,226	248,148	286,921
Mob ISSBA	54,434	54,434	54,434
OB&S	1,392	20,666	33,836
Police		28,425	32,290
SSS	38,943	109,373	147,777
<b>Subtotal: Additives</b>	<b>\$ 168,604</b>	<b>\$ 825,120</b>	<b>\$ 1,182,093</b>
<b>Total Expenses</b>	<b>\$ 1,512,010</b>	<b>\$ 4,696,858</b>	<b>\$ 6,594,980</b>
<b>Estimated Operating Payment</b>	<b>\$1,512,010</b>	<b>\$3,369,551</b>	<b>\$4,873,989</b>

State Corridor passenger miles - 6,265,076 6,456,000

Route	RouteName
<b>Incremental Costs over FY19</b>	
Additives	11,127
Turnaround	112,067
TOTAL Additives	123,194
Costs not added to TCCOA 6 months	174,047
<b>Total Charge Incremental</b>	<b>404,401</b>

6/2/2021 145,356





[illegible]

[illegible]

QUESTIONS FROM HON. EDDIE BERNICE JOHNSON TO STEPHEN GARDNER, CHIEF  
EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Mr. Gardner, thank you for meeting with me and the I-20 Corridor Coalition earlier this year. I wanted to reiterate my strong support for Amtrak Service between Dallas-Ft. Worth and Atlanta and encourage you to include this corridor in any future long distance service plans developed by Amtrak or FRA. Could you update me on any progress being made on this project?

*ANSWER.* Amtrak has provided data on our long-distance trains to the Federal Railroad Administration's (FRA) Long-Distance Service Study, which is intended to evaluate potential expansion of the long-distance network. We will continue to participate in the FRA's study and provide them with data to help them identify options to improve the long-distance network, as well as the capital and operating costs associated with such changes to inform Congress on future funding decisions.

Additionally, Amtrak has requested that the Surface Transportation Board (STB), as a condition of approving the merger between Canadian Pacific Railroad and Kansas City Southern Railroad, require that the two companies participate in a joint study with Amtrak and other affected railroads with the goal of introducing a daily round-trip train service between Meridian and Dallas, with potential for a second daily round trip. A copy of our letter to the STB, including that request, is attached with these responses.<sup>†</sup>

*Question 2.* Mr. Gardner, the Northeast Corridor has so much potential for increased speed and expanded service, especially with the new *Acela* trains coming online next year. You mentioned in your testimony that work has begun on addressing the bottlenecks on this line. Do you have any timelines on when these projects will be completed?

*ANSWER.* Key to Northeast Corridor (NEC) increased speed and expanded service is to first address the backlog of state-of-good-repair (SOGR) needs, including the replacement of 100+ year old bridges and tunnels. As part of the *Acela* program, Amtrak has already made a number of improvements to the NEC's infrastructure which will help us increase the maximum speed from 150mph to 160mph. Examples of this infrastructure work include a project to add two new platforms at Baltimore-Penn Station, and another platform expansion at the New Carrollton, Maryland stop—both of which will accommodate the increased capacity that comes with the new *Acela* trainsets.

Additionally, we and our partners are advancing many major infrastructure projects including Portal North Bridge in New Jersey and the Frederick Douglass/Baltimore and Potomac Tunnel Replacement Project in Maryland that will simultaneously improve performance and increase reliability along the Corridor. As you may be aware, the FRA will soon publish a project inventory for the NEC, which will serve as the basis for future FRA grant funding through the Federal-State Partnership grant program. This grant program is a major anticipated source for the funding of all of these major projects and the IJA's \$24 billion for this program is an essential down payment in support of these SOGR improvements. While Amtrak is grateful for this funding, the NEC's SOGR backlog is vast and many needed projects over the coming decade will require additional federal and state support in order to advance. This is particularly true for "pure" speed and trip time projects which are not directly related to core SOGR needs. To address the important work of gaining higher speeds and further reductions in travel time—which we believe is vital to increasing the competitiveness of intercity rail in the NEC and creating more capacity in the future—additional investments beyond this initial IJA funding are needed, and we stand ready to work with Congress to identify options and opportunities.

QUESTION FROM HON. BRIAN K. FITZPATRICK TO STEPHEN GARDNER, CHIEF  
EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* This August, Rep. Fitzpatrick (PA-01) and Rep. Moulton (MA-06) led 28 of their colleagues in a bipartisan letter expressing concern about the current trip times on Amtrak's Northeast Corridor and hope that historic investments set aside for this line in the Infrastructure Investment and Jobs Act will be used to improve timetables. What progress has Amtrak made in prioritizing modernization projects that will directly decrease long trip times between Boston and Washington, D.C.?

<sup>†</sup> Editor's note: The documents referenced by Mr. Gardner are retained in committee files and are available online at [https://dcms-external.s3.amazonaws.com/DCMS\\_External\\_PROD/1643835362179/303645.pdf](https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1643835362179/303645.pdf).

**ANSWER.** As part of the *Acela* program, Amtrak has already made a number of improvements to the NEC's infrastructure which will help us increase the maximum speed from 150mph to 160mph and begin improving trip times. Examples of this infrastructure work include a project to add two new platforms at Baltimore-Penn Station, and another platform expansion at the New Carrollton, Maryland stop—both of which will accommodate the increased capacity that comes with the new *Acela* trainsets and enhance reliability.

In further support of reduced trip times on the Northeast Corridor, Amtrak is actively working to implement projects that address the backlog of state-of-good-repair (SOGR) needs, including the replacement of 100+ year old bridges and tunnels and replacement of rail and ties to allow increased operating speeds. Our Portal North Bridge Project in New Jersey and the Frederick Douglass/Baltimore and Potomac Tunnel Replacement Project in Maryland exemplify this twin aim of simultaneously improving performance and increasing reliability along the Corridor.

This work is being closely coordinated with state partners across the corridor. As you may be aware, the FRA will soon publish a project inventory for the NEC, which will serve as the basis for future FRA grant funding through the Federal-State Partnership grant program. This grant program is a major anticipated source for the funding of all of Amtrak's major projects on the NEC and the IIJA's \$24 billion for this program is an essential down payment in support of these SOGR investments. While Amtrak is grateful for this funding, the NEC's SOGR backlog is vast and many needed projects over the coming decade will require additional federal and state support in order to advance. This is particularly true for "pure" speed and trip time projects which are not directly related to core SOGR needs. To address the important work of gaining higher speeds and further reductions in travel time—which we believe is vital to increasing the competitiveness of intercity rail in the NEC and creating more capacity in the future—additional investments beyond this initial IIJA funding are needed, and we stand ready to work with Congress to identify options and opportunities.

While much more work awaits, the record levels of increased infrastructure funding for the NEC provided by the Administration and Congress and the arrival of the new *Acela* fleet will combine to begin a new era of improved customer experience on the Corridor, and we look forward to working with you to extend and amplify these opportunities.

**QUESTIONS FROM HON. HENRY C. "HANK" JOHNSON, JR. TO STEPHEN GARDNER, CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**

**Question 1.** Mr. Gardner, last year Amtrak presented an ambitious long-term vision that would connect Atlanta to Savannah, Nashville, and Montgomery vis-a-vis passenger rail. Earlier this year, the Georgia Department of Transportation received \$8 million in federal funds to study the Atlanta-Savannah link.

**Question 1.a.** Can you speak to the value of bringing this vision to life, including the impact on communities of color who have historically been denied access to quality passenger rail?

**ANSWER.** Amtrak's Connects US vision (May 2021) outlined a vision for new service to 160 new communities, many of which are underserved by intercity passenger rail and also communities where many residents are people of color. New intercity passenger rail service not only creates additional transportation options, but also benefits the environment by reducing greenhouse gas emissions, benefits the economy by creating jobs and encouraging development around new and existing stations, and increases connectivity between communities by connecting new city pairs and smaller communities to large towns and cities. The FRA's Corridor Identification and Development Program will play an important role in determining how we bring new and expanded intercity passenger rail service to communities across the country, and we are hopeful that states and other eligible entities partner with us to pursue funding opportunities under this new FRA program.

**Question 1.b.** The creation of the Atlanta-Savannah connection would lead to a plethora of jobs and opportunities for small businesses. What plans does Amtrak have in place to ensure that Black and Brown Americans, including historically disadvantaged, minority-owned small businesses, participate in project development and contribute to regional economic growth in a meaningful way?

**ANSWER.** As we and our state partners look to improve and expand service, we have a great chance to engage diverse and local businesses in the business opportunities created by these new investments. Because our supplier diversity program is a national program, we are always working to be inclusive through our outreach across our network which helps Amtrak to meet and exceed its Corporate Diversity Goal (15%) year over year. Outreach includes virtual and in person for national

expos/conferences as well as our own Amtrak events which include pop-up events in stations, panel discussions that include various selections of small businesses, and 1:1 sessions. While national events assist our efforts for opportunities from a broader scope, we recognize that we also must be more intentional for specific projects that may require us to go where the suppliers are to engage and make them aware of the opportunities coming down the pipeline.

Even before the pandemic, we have teamed up with the Minority Business Development Agencies (MBDA) and the Procurement Technical Assistance Centers (PTAC) as well as other agencies to reach prospective suppliers across the map. We also utilize our diversity spend reporting analysis to identify the areas in which we need to ramp up outreach to ensure that we focus on areas/groups where participation is not at an optimal level in contributing to regional economic growth. We remain transparent with the procurement opportunities as posted on the procurement portal (accessible at <https://procurement.amtrak.com>), and our Supplier Diversity Office (SDO) is always available to connect with businesses to assist them in learning how to do business with Amtrak.

QUESTION FROM HON. EDDIE BERNICE JOHNSON TO SAMUEL DESUE, JR., GENERAL MANAGER, TRIMET

*Question 1.* Mr. Desue, too often we hear from companies that it is too hard to comply with Made-In-America requirements, yet I see that all your buses and rail cars are built in America. Can you discuss your experience purchasing American-made equipment? And do you think there could be an opportunity to produce more American-made goods?

*ANSWER.* We have not had problems buying American-made buses or light rail vehicles. As I mentioned in my testimony, TriMet recently made our first bulk purchase of 24 American-made, battery electric buses. This part of a multiyear effort to fully convert our fleet. With all of the Nation's transit agencies similarly committed to multiyear conversions to electric vehicles, there may be an initial supply issue, but the significant public investments from all levels of government to this conversion will lead to market responses that will expand domestic manufacturing capacity. So, we do not envision the supply of new American-made electric vehicles and charging infrastructure to be a long-term issue.

The substantial investment in electric vehicles and charging infrastructure contained in the IIJA will also likely result in unforeseen innovations that will likely result in superior technologies and products. This always happens. It's a rarely recognized result of this kind of investment, and it will likely result in new American-made products that benefit everyone.

QUESTIONS FROM HON. HENRY C. "HANK" JOHNSON, JR. TO SAMUEL DESUE, JR., GENERAL MANAGER, TRIMET

*Question 1.* Democrats in Congress have invested heavily in climate-combatting transportation options so that Americans can minimize their carbon footprint. Among the travel options available, transit is essential for getting around without damaging our planet. Last year, I introduced H.R. 3744, the Stronger Communities through Better Transit Act, which is designed to provide high-quality, low-cost and frequent transit to communities across America, which a specific emphasis on those in underserved neighborhoods.

*Question 1.a.* Mr. Desue, how would further federal investments in public transit assist communities of color with mobility while also combatting pernicious climate effects?

*ANSWER.* Communities across the nation are recognizing the long overdue need to address long-neglected communities of color. These equity communities tend to have a high percentage of transit-dependent riders and—as we found out during the pandemic—essential workers. Targeting investments to increase transit usage in these communities will ensure that residents have access to jobs and critical services and will begin to address the air quality challenges these communities often face.

*Question 1.b.* What are some best practices you've witnessed in Oregon involving mass transit that you believe would translate well across the metro-Atlanta region and America?

*ANSWER.* As TriMet converts to an electric bus fleet, we have prioritized placing these buses in service in equity communities first. In addition to the Greenhouse Gas emission reductions from the diesel engines, the health consequences of diesel buses must not be minimized, and communities of color have been historically saddled with air polluting industries and freeways. Removing the diesel buses is a start. One secondary issue that we feel is important is noise pollution. Diesel buses

## APPENDIX

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### QUESTIONS FROM HON. TROY E. NEHLS TO STEPHEN GARDNER, CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* The commuter rail system in the United States has been a more diverse market than the intercity passenger rail system, with various state and local transit agencies using private contractors to conduct rail operations, as well as numerous publicly operated systems. With the prospect of new and expanded intercity passenger rail services coming online in the next decade, having a competitive rail operator market might offer benefits to the states, the passengers and taxpayers. In the 2022 annual and legislative report, Amtrak cited as evidence that it is an “ever more efficient rail operator”<sup>1</sup> the fact that it had “recently won competitive open bids to provide operations services to commuter railroads (Metrolink and MARC Penn Line).”<sup>2</sup>

*Question 1.a.* What are your thoughts about more involvement of private contractors entering the passenger rail market and competing alongside Amtrak to provide these state-supported rail operations?

*Question 1.b.* How would a competitive operator market affect Amtrak?

*Question 1.c.* Should new and expanded passenger rail services be subject to Federal competitive open bidding procedures?

*ANSWERS to Question 1.a.–1.c.* Amtrak believes that a strong national intercity passenger railway—the model used by nearly all nations across the globe to deliver intercity services—is the most efficient way to provide an interconnected network of services across the nation. Economies of scale and the ability to utilize common assets for a variety of services, including ticketing and reservations, fleet, and maintenance facilities, allow the high fixed costs of the business to be shared across the network and our Capital assets to be utilized more productively. Additionally, a national carrier can focus on the interstate needs, looking beyond state borders, to ensure that the overall passenger transportation needs of the nation are met.

However, Amtrak’s role as the national carrier doesn’t preclude others from entering the market or from working with Amtrak and our partners as part of an integrated network. In fact, Amtrak already faces competition in the provision of the various services required for operation of state-supported routes. A number of states contract with private companies for maintenance of equipment, on-board food service, customer information service, and marketing. Amtrak is happy to work with states that choose to use other companies to provide services for state-supported routes.

As for attempts to competitively bid out the operation of various Amtrak service, this has been tried unsuccessfully several times, and any consideration of competitive bidding for Amtrak-operated services must take into account several myths regarding that topic.

The first myth is that there are numerous U.S. companies qualified to operate passenger rail services and eager to do so. That is not the case.

- Few private U.S. rail operators—and none of the major U.S. railroads—have shown any interest in operating Amtrak or other intercity passenger rail services, even with government subsidies. Since 2010, four of the five Class I railroads that had been operating commuter rail services under contracts with public authorities have decided to get out of that business. A 2017 Federal Railroad Administration solicitation of bidders to take over the operation of one or more

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<sup>1</sup>AMTRAK, GENERAL AND LEGISLATIVE ANNUAL REPORT at 45 (Apr. 27, 2021), *available at* <https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/corporate/reports/Amtrak-General-Legislative-Annual-Report-FY2022-Grant-Request.pdf>.

<sup>2</sup>*Id.*

Amtrak long-distance routes, with government subsidies, did not attract a single proposal.

- Most of the companies that operate commuter rail services in the United States or have expressed interest in operating U.S. intercity passenger rail services are not really “private companies” and are not based in the United States. Rather, they are subsidiaries of national railroads controlled by the governments of China, Japan and European countries.

The second myth is that competitive bidding will invariably produce a lower price and better service. That has not been the case with respect to intercity passenger rail services in the United States.

- A 2021 Congressional Research Service report concluded that past efforts to foster competition for services provided by Amtrak have not resulted in improvements in intercity passenger rail service.<sup>3</sup>
- Ridership fell 10% and mechanical delays increased 35% during the first year after a Midwestern state contracted with a private company for provision and maintenance of equipment, food service and marketing for an Amtrak state-supported route following a competitive procurement. After just 17 months, the state’s contractor ceased providing services when the state declined its request for a large increase in payments.

Other countries have had similar experiences. Franchising of train operations in Great Britain resulted in increases in government subsidies, higher fares, service deterioration and a pattern of contractors submitting low bids to secure contracts and then walking away from their obligations. The British government recently abandoned franchising and has resumed direct operation of many train routes.

The third myth is that there is a level playing field among Amtrak and potential competitors. That does not exist today for state-supported services because Amtrak is subject to many statutory requirements that do not apply to other parties. Among other things, Amtrak must price the services it provides in accord with a statutorily-mandated costing methodology; must ensure that the customer service, professional and IT services it utilizes are performed in the United States; and must maintain specified levels of liability insurance. Some operators of intrastate passenger rail services are not subject to the Railroad Retirement Tax Act and other federal laws that apply to Amtrak, which gives them an additional cost advantage. All of these issues would have to be addressed through legislative changes in order to create fair competition among Amtrak and other potential operators.

The fourth myth is that privately-owned freight railroads would be willing to allow non-Amtrak passenger trains to operate over their lines on reasonable terms. That is often not the case. Proposed commuter rail services in Charlotte and Atlanta have been stymied by the refusal of the railroad that owns the lines over which they would operate to even consider operation of passenger trains. Because Amtrak’s unique statutory access rights to operate existing or new services over freight railroad-owned lines are not transferable to states or other parties, a state that selected a non-Amtrak operator would have no recourse if a freight railroad demanded unreasonable investments or compensation for operation of passenger trains over its lines, or simply refused to allow them to operate or to continue to operate.

A fifth myth is that state-supported Amtrak services are, like most commuter rail services, isolated operations that could easily be provided by different operators without harm to passengers or negative impacts on ridership and revenues. Amtrak’s state-supported services are part of an interconnected national network serving 46 states. Many of their passengers are connecting to or from other Amtrak routes with which those services share stations, equipment maintenance facilities and employees. Any consideration of competitive bidding must take into account the inefficiencies of having multiple operators; the increased costs resulting from them; and the impact on ridership, revenues and customer satisfaction if travelers are required to deal with more than one operator and use multiple websites, apps or 800 numbers to obtain information about schedules and book travel.

*Question 2.* Last March, the Amtrak OIG issued a report about challenges that Amtrak might face implementing the Infrastructure Investment and Jobs Act (IIJA).<sup>4</sup> Among the challenges cited was Amtrak’s workforce and your ability to build and maintain a sufficient number of employees with the right skills.

<sup>3</sup> *Improving Intercity Passenger Rail Service in the United States*, p. 25. (2021, February 8). Congressional Research Service. Retrieved July 14, 2023 from <https://sgp.fas.org/crs/misc/R45783.pdf>

<sup>4</sup> See AMTRAK, Office of Inspector General, OIG-SP-2022-008, AMTRAK: AREAS FOR MANAGEMENT FOCUS IN ADVANCE OF INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDING, (Mar. 31, 2022), available at <https://amtrak.oig.gov/sites/default/files/reports/OIG-SP-2022-008.pdf>.



*Question 2.a.* What is the current status of your workforce and ability to retain workers and fulfill your staffing needs?

*ANSWER.* As of June 30, 2023, Amtrak's current workforce stands at 21,032 active employees. We continue to develop and expand our workforce to execute on the investments made by Congress in the IIJA, and to support our new and improving services nationwide.

To minimize employee turnover and boost employee engagement, organizations develop retention strategies, which aim to reduce attrition and increase retention rates. Although some turnover is unavoidable, a sound retention strategy can save time and resources for Amtrak. Retaining current employees is less costly and less time-consuming than constantly hiring new ones. Therefore, it is crucial to focus on attrition to gauge the organization's health and capacity to deliver.

Some of the initiatives planned or deployed to support workplace fulfillment and retain employees include flexible paid time off, enhanced benefits, retention awards for key crafts and skills, incentive programs, and student loan support.

*Question 2.b.* Have any passenger rail services been impacted by Amtrak's hiring challenges? If so, please describe the impacts.

*ANSWER.* Challenges in hiring employees impacted restoration of some train frequencies and routes as travel demand recovered from the COVID-19 pandemic, required limitations in food service on some routes, and impacted our ability to perform overhauls and repairs on out-of-service equipment to provide sufficient capacity to meet passenger demand. We completed restoration of service on all routes suspended during the pandemic at our state partners' request in April; have restored pre-pandemic service frequency on nearly all routes and pre-pandemic food service on all routes; and have increased mechanical staffing above pre-pandemic levels to enable us to accelerate overhauls and repairs to return equipment to service. Some isolated trained employee shortages exist today which reduce our ability to cover vacations and employee illness; trainees currently qualifying will soon bring staffing levels across the system to levels that allow us to better cover all the services in these cases.

*Question 2.c.* Are you confident in Amtrak's ability to staff and crew its current and proposed future passenger rail services, especially the state-supported routes?

*ANSWER.* Yes, based on current forecast and hiring run rate we are very confident in our ability to staff and crew current and proposed future rail services including state-supported routes. However, our ability to retain employees and staff and operate current and proposed routes will continue to depend on the receipt of adequate federal funding through the annual appropriations process.

*Question 2.d.* What external factors may affect Amtrak's hiring and workforce sustainment capability?

*ANSWER.* For certain parts of our workforce, there are some challenges to hiring. For example, there are often difficulties in certain geographic regions for hiring on-board service roles on our trains (such as conductors and service attendants, among others) due to a narrow candidate pool. Increased demand for skilled critical trades workers in our Agreement Workforce generally outpaces graduation from trade schools, requiring higher compensation in more competitive labor markets.

In terms of broader trends, as the youngest of the "Baby Boomer" generation (those aged 57 to 75 at present) reach retirement age, we anticipate an increasing workforce need approaching 2031. Coupled with lagging rates of trade school graduates and workforce entrants, this demographic shift may pose a substantial challenge for sustaining our Agreement Workforce.

We are working to prepare for this challenge by devoting resources to the development of a pipeline of qualified applicants. For example, Talent Acquisition is working to establish deeper relationships with specific universities, colleges and tech schools with curriculum in the Transportation and Rail industry while providing information to students and career service centers about employment opportunities available at Amtrak. Our newly, rebranded Future Careers Program will offer internship opportunities in the Fall/Spring and the Summer. These sessions are longer and offer the intern additional experience working with Amtrak.

In addition to our efforts with educational institutions and our internship program, and in addition to the strategies outlined in the response to Nehls Question 2 (a), we are also adopting the following practices as part of our long-term workforce strategy:

- Implementing targeted recruitment marketing campaigns and hiring events segmented by both key critical positions and geographies/markets;

- Continuing to partner with Union leaders during Quarterly Labor Leadership meetings to inform Union members about hiring initiatives and progress and partnering with Union leaders to promote Amtrak hiring events;
- Upskilling our current workforce to expand capabilities in alignment with future business needs;
- Reskilling our workforce to develop cross-functional skillsets and enhance organizational readiness

*Question 3.* Amtrak was provided a privately financed proposal Amtrak was provided a privately financed proposal to improve Amtrak's single digit market share on the Northeast Corridor with more frequencies, faster service, new routes and stations.

Why is Amtrak ignoring this joint venture proposal which will not cost taxpayers anything and will generate more ridership and revenue for Amtrak?

*ANSWER.* Amtrak did not ignore the proposal your question references. Senior Amtrak officials met numerous times with the proponent of the proposal and determined that it was not viable. The proposal is also inconsistent with the NEC FUTURE Plan developed by the Federal Railroad Administration, which had rejected the same proposal.

*Question 4.* Amtrak was also provided a private sector proposal to offer equitable and affordable Coach accommodations on Amtrak's publicly supported high-speed trains.

Why can Amtrak not utilize this private sector initiative to operate with the same efficiency as high-speed rail in Europe and Asia who serve Coach passengers on all high-speed trains?

*ANSWER.* Amtrak officials met numerous times with the proponent of this proposal and determined that it was not credible or feasible. Additionally, like passenger railroads in Germany, Japan, and other countries, Amtrak operates premium service trains along the Northeast Corridor—the Acelas—that make fewer stops and generally charge higher fares, and other trains—the Northeast Regionals—that operate at slightly slower speeds (maximum of 125 mph), serve more communities, and generally have lower fares. Private companies in virtually every industry offer a range of services to customers and charge more to those who choose premium or faster services (such as non-stop flights). If Amtrak did not do that, it would generate less revenue and require additional federal funding. Finally, Amtrak has already purchased a fleet of 83 new, modern, domestically built trainsets to replace our aging Amfleet equipment used on our Northeast Regional and other corridor services. These trains are anticipated to be in service starting in 2026.

*Question 5.* The Amfleet cars are nearly 50 years old.

*Question 5.a.* Does Amtrak have a privately funded proposal to replace the Amfleet cars by 2025 on the Northeast Corridor by adding onto the Alstom Avelia Liberty high-speed trainset order now being built? If so, please provide further details about this proposal.

*ANSWER.* No proposal of any type could enable the replacement of the Amfleet cars. Amtrak operates on Northeast Regional trains on the Northeast Corridor by 2025. Intercity passenger railcars compliant with U.S. safety standards and Buy America laws cannot be bought off the lot like a new automobile. Designing, procuring, manufacturing and testing them takes years. The Avelia Liberty trainsets the question refers to are only capable of operating on electrified rail lines like the Northeast Corridor. They would not be able to operate on Northeast Regional trains, which operate over both the Northeast Corridor and unelectrified lines connected to it.

*Question 5.b.* Is including Coach seating on these new trainsets the fastest way to provide all passengers on the Northeast Corridor with the highest level of safety with these new trainsets?

*ANSWER.* Amtrak has already purchased new Airo trainsets capable of operating over both electrified and non-electrified lines, and this is the fastest way to acquire modern replacement equipment for the Amfleet cars. The Airo procurement is well advanced: Amtrak selected an experienced passenger rail manufacturer more than two years ago; the first carshell has already been manufactured; and the first trainset is expected to enter service in 2026. Canceling the multi-billion-dollar contract for the Airo trainsets without cause and restarting the process of procuring new equipment would delay the replacement of the Amfleet cars by many years and greatly increase the costs of acquiring new equipment even if there was a bona fide alternative proposal.

QUESTIONS FROM HON. DONALD M. PAYNE, JR., TO STEPHEN GARDNER, CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* What percentage of stations across the Amtrak network are currently ADA compliant? Is there a discrepancy in percentages for stations that are owned by Amtrak and those that are owned by an entity other than Amtrak? Could you confirm that all the stations Amtrak serves will be fully ADA compliant by the end of 2028?

*ANSWER.* Amtrak has primary or shared ADA responsibility for 385 stations. We expect nearly all of the stations for which Amtrak has primary responsibility, and the elements at shared responsibility stations for which Amtrak is responsible, to be compliant by 2028, and the remainder of Amtrak-responsible stations/elements to be compliant by 2029. Amtrak cannot confirm what the 2028 level of compliance will be at the 130 stations for which other parties have ADA responsibility, or for third party-responsible elements of stations for which Amtrak has shared responsibility, but we will continue to work with these entities to advocate for full compliance.

*Question 2.* Newark Liberty Airport, located in my district, is one of a few airports in the United States served by passenger rail. How many, and which, other airports around the country have Amtrak or other passenger rail services? Does Amtrak have plans to partner with air carriers?

*ANSWER.* Amtrak currently serves five airport stations, all of which are located at or adjacent to an airport to which they are connected by a fixed guideway system such as a monorail or frequent shuttle service:

- BWI Thurgood Marshall Airport (Baltimore)
- General Mitchell International Airport (Milwaukee)
- Hollywood Burbank Airport
- Newark Liberty International Airport
- Oakland International Airport

Amtrak is also in negotiations to relocate its Miami, Florida station to the Miami Intermodal Center at Miami International Airport, and recently submitted an application for a Federal-State Partnership for a National Network grant for a planned station at Crystal City in Arlington, Virginia that would be located adjacent to Ronald Reagan Washington National Airport and connected to it via a pedestrian bridge.

The only other U.S. intercity passenger rail station at an airport, located at Ted Stevens International Airport in Anchorage, is served only by Alaska Railroad charter trains. Brightline, a private intercity passenger rail operator, plans to begin service to Orlando International Airport later this year.

All of the Amtrak airport stations identified above, with the exception of General Mitchell and Oakland, are also served or would be served by commuter rail. Other commuter rail lines, all but one of which Amtrak connects with, serve stations at the following airports:

- Dallas Fort Worth International Airport
- Denver International Airport
- Fort Lauderdale International Airport
- O'Hare Airport (Chicago—limited rail service)
- Philadelphia International Airport
- Rhode Island T.F. Green International Airport (Providence)
- South Bend International Airport (no Amtrak connection)

Many other airports are served by subways and light rail lines.

Codeshares allow airlines to sell tickets to passengers whose trip includes both a flight on the airline and a connecting flight, train or bus trip on another carrier. Amtrak has had codeshare agreements with airlines, most notably a codeshare agreement at Liberty Newark International Airport with United Airlines (and its predecessor Continental Airlines) that ended several years ago. Amtrak is continually having conversations about other potential codeshare agreements with airlines and would welcome a partnership that was mutually beneficial to Amtrak and the partner.

Challenges to establishing such partnerships include:

- The limited number of airports located near Amtrak lines with the frequent train service that is necessary for viable air-rail connections (so that passengers arriving at the airport by train will not have unduly long waits before their flight, and will be able to travel on a later train if they miss their train connection because their arriving flight is late).

- Federal Aviation Administration regulations that prohibit use of federal Airline Improvement Program (AIP) grants and Passenger Facility Charges (PFCs) collected from air travelers, a primary source of funding for construction of airport parking garages and other airport facilities, for rail stations at airports unless the station is actually located on airport property. Since most railroad lines do not pass through or terminate at airports, this effectively precludes use of AIPs and PFCs to build or improve rail stations at most airports that are located near existing or proposed Amtrak routes. Amtrak has proposed that this impediment to developing more air-rail connections be removed via modification of these regulations or a statutory amendment.
- Consolidation of the U.S. airline industry, which has reduced the number of potential airline partners and created large airlines that have less interest in developing codeshares with connecting carriers.

*Question 3.* The Federal Railroad Administration's Corridor ID program provides an opportunity for Amtrak to operate new intercity passenger rail corridors. How will Amtrak work with freight or other host railroads to create potential new corridors or expand existing ones?

*ANSWER.* The FRA-led Corridor ID program is the primary vehicle for securing Federal financial support for new or improved intercity passenger rail services throughout the United States. The Corridor ID multi-step process, which includes the development of a Service Development Plan (SDP), Preliminary Engineering, and environmental clearance, will include FRA-led host railroad engagement to facilitate early and consistent communication. For those corridors that select Amtrak as the operator, Amtrak will provide technical resources to the corridor sponsors and will actively participate and support FRA's host railroad engagement process.

#### QUESTIONS FROM HON. DAVID ROUZER TO STEPHEN GARDNER, CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Amtrak uses requests for proposals and other competitive bidding procedures to procure goods and services, both because it is a common requirement of federal law and procurement regulations, but also because it generally assures the best value for the taxpayer and prevents fraud and abuse.

In North Carolina, there are two state-supported routes, the Piedmont (between Raleigh and Charlotte) and the Carolinian (between Richmond to Raleigh). The state contracts with Amtrak to operate these trains, as well as to handle the mechanical work for one of these routes (the other is handled by a private contractor). North Carolina is also exploring expanded passenger rail services, including new passenger rail lines to locations like Asheville, Greenville and Wilmington.

*Question 1.a.* Should the operation of these passenger rail services be subject to competitive bidding procedures—specifically, should the current routes that Amtrak operates, or any future routes that North Carolina proceeds with, be subject to open competition, where private companies can offer proposals to handle operations or other work, alongside Amtrak's proposals, and allow the state to determine what is the best offer and value?

*ANSWER.* Amtrak already faces competition in the provision of services required for operation of state-supported routes. As your question notes, North Carolina contracts with a private contractor for maintenance of the equipment operated on the Piedmont. Other states that fund Amtrak state-supported services utilize non-Amtrak contractors for on-board food service, customer information services, and marketing. Amtrak is happy to work with states that choose to use other companies to provide services for state-supported routes.

Any consideration of competitive bidding for Amtrak-operated services must take into account several myths regarding that topic.

The first myth is that there are numerous U.S. companies qualified to operate passenger rail services and eager to do so. That is not the case.

- Few private U.S. rail operators—and none of the major U.S. railroads—have shown any interest in operating Amtrak or other passenger rail services, even with government subsidies. Since 2010, four of the five Class I railroads that had been operating commuter rail services under contracts with public authorities have decided to get out of that business. A 2017 Federal Railroad Administration solicitation of bidders to take over the operation of one or more Amtrak long-distance routes, with government subsidies, did not attract a single proposal.

- Most of the companies that operate commuter rail services in the United States or have expressed interest in operating intercity passenger rail services are not really “private companies” and are not based in the United States. Rather, they are subsidiaries of national railroads controlled by the governments of China, Japan and European countries.

The second myth is that competitive bidding will invariably produce a lower price and better service. That has not been the case with respect to intercity passenger rail services in the United States.

- A 2021 Congressional Research Service report concluded that past efforts to foster competition for services provided by Amtrak have not resulted in improvements in intercity passenger rail service.<sup>5</sup>
- Ridership fell 10% and mechanical delays increased 35% during the first year after a Midwestern state contracted with a private company for provision and maintenance of equipment, food service and marketing for an Amtrak state-supported route following a competitive procurement. After just 17 months, the state’s contractor ceased providing services when the state declined its request for a large increase in payments.

Other countries have had similar experiences. Franchising of train operations in Great Britain resulted in increases in government subsidies, higher fares, service deterioration and a pattern of contractors submitting low bids to secure contracts and then walking away from their obligations. The British government recently abandoned franchising and has resumed direct operation of many train routes.

The third myth is that there is a level playing field among Amtrak and potential competitors. That does not exist today for state-supported services because Amtrak is subject to many statutory requirements that do not apply to other parties. Among other things, Amtrak must price the services it provides in accord with a statutorily mandated costing methodology; must ensure that the customer service, professional and IT services it utilizes are performed in the United States; and must maintain specified levels of liability insurance. Some operators of intrastate passenger rail services are not subject to the Railroad Retirement Tax Act and other federal laws that apply to Amtrak, which gives them an additional cost advantage. All of these issues would have to be addressed through legislative changes in order to create fair competition among Amtrak and other potential operators.

The fourth myth is that privately-owned freight railroads would be willing to allow non-Amtrak passenger trains to operate over their lines on reasonable terms. That is often not the case. Proposed commuter rail services in Charlotte and Atlanta have been stymied by the refusal of the railroad that owns the lines over which they would operate to even consider operation of passenger trains. Because Amtrak’s unique statutory access rights to operate existing or new services over freight railroad-owned lines are not transferable to states or other parties, a state that selected a non-Amtrak operator would have no recourse if a freight railroad demanded unreasonable investments or compensation for operation of passenger trains over its lines, or simply refused to allow them to operate or to continue to operate.

A fifth myth is that state-supported Amtrak services are, like most commuter rail services, isolated operations that could easily be provided by different operators without harm to passengers or negative impacts on ridership and revenues. Amtrak’s state-supported services are part of an interconnected national network serving 46 states. Many of their passengers are connecting to or from other Amtrak routes with which those services share stations, equipment maintenance facilities and employees. Any consideration of competitive bidding must take into account the inefficiencies of having multiple operators; the increased costs resulting from those inefficiencies; and the impact on ridership, revenues and customer satisfaction if travelers are required to deal with more than one operator and use multiple websites, apps or 800 numbers to obtain information about schedules and book travel.

*Question 1.b.* While this may be a procurement decision led by the State of North Carolina, what are Amtrak’s views of competing with the private sector to provide these passenger rail operation services?

*ANSWER.* Please refer to my response to Rouzer Question 1.a.

*Question 1.c.* Are there any reasons why competitive bidding would not work in these settings?

*ANSWER.* Please refer to my response to Rouzer Question 1.a.

<sup>5</sup> *Improving Intercity Passenger Rail Service in the United States*, p. 25, (2021, February 8). Congressional Research Service. Retrieved July 14, 2023 from <https://sgp.fas.org/crs/misc/R45783.pdf>

QUESTIONS FROM HON. LANCE GOODEN TO STEPHEN GARDNER,  
CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)

*High Speed Rail:*

*Question 1.* According to emails obtained through an open records request, the North Central Texas Council of Governments and Amtrak were actively trying to conceal their relationship with Texas Central from the public. Why would Amtrak want to conceal that relationship?

*Question 2.* Is it Amtrak's goal to take over the right-of-way for the Dallas to Houston high-speed rail line?

*Question 3.* Please explain, in detail, Amtrak's involvement with the Texas High Speed Rail Project, including Amtrak's expectations for having a future role in the project.

*Question 4.* Please provide a detailed timeline of Amtrak's involvement with the Texas High Speed Rail project, including how Amtrak became involved in the project. Additionally, please list all entities, including Texas Central Railway and any federal, state, and local governments, and any private entities that Amtrak has interacted with regarding the TXHSR project.

*Question 5.* Please discuss any federal funding, including grants, that Amtrak plans to use or apply for or has used or applied for related to the construction and/or operation of the TXHSR. Please list all grant programs Amtrak plans to use to obtain any funding for the project.

*Question 6.* Is it Amtrak's goal to take over the right-of-way for the Dallas to Houston high-speed rail line?

*ANSWERS to Questions 1-6.* Amtrak exists to provide high quality, safe and efficient rail services to America, thereby connecting people and communities. It does this via a complex mix of services, including those on the Northeast Corridor, through State supported services, and on its long-distance routes. Amtrak's five-year vision is to progressively build ridership and expand service, while maintaining the existing system in a state of good repair. Key to everything is ongoing, sustainable and sufficient funding to enable Amtrak to succeed.

As part of its current work, and consistent with the policy and new funding opportunities created by the Infrastructure Investment and Jobs Act, Amtrak is exploring the potential for new services in two ways. The first is via the Corridor Identification and Development Program (CIDP) in partnership with the Federal Railroad Administration, individual states and local/regional governmental entities with a view to introduction of new service where this does not currently exist, reinstatement of discontinued services or enhancement of existing service. In Texas, Amtrak supports the consideration and potential development of up to 5 new or enhanced conventional intercity corridor services, with new corridor train service connecting the "Texas Triangle" cities, added frequencies to the Heartland Flyer route and possible Long Distance service connecting Dallas-Fort Worth to the east.

The second area being explored relates to potential new routes utilizing high speed train technology and dedicated new infrastructure. To facilitate this review, Amtrak has set up a High-Speed Rail Program to review a number of discrete, potential corridors of which Dallas to Houston is one because, at face value, it meets the criteria for viable high-speed operation. In the case of Dallas to Houston, Amtrak has held discussions with Texas Central to assess whether Amtrak wishes to play a role in its existing project going forward.

A timeline of Amtrak's engagement with Texas Central may be found below and is followed by a list of entities Amtrak has interacted with on this initiative.

- June 2016: At Texas Central's request, Amtrak met with its representatives and attorneys and submitted a letter to the Surface Transportation Board (STB) advising that it was open to exploring opportunities to develop connections with Texas Central.
- August 2016–December 2016: After Texas Central confirmed that it was interested in developing connections with Amtrak, Amtrak and Texas Central negotiated and entered into a Voluntary Coordination Agreement providing for through ticketing and provision of Amtrak services to Texas Central.
- January 2017–June 2017: Amtrak and Texas Central had communications and an in-person meeting to discuss implementation and announcement of the Voluntary Coordination Agreement.
- July 2017–October 2017: Amtrak and Texas Central negotiated and entered into a Reservation and Ticketing Agreement.
- April 2018–June 2018: Amtrak communicated with Texas Central and its attorneys in connection with a Texas Central press release and filings that Texas

Central and Amtrak submitted to the STB regarding the agreements between Amtrak and Texas Central.

- June 2019–October 2019: Following an STB request for additional information about projected connecting ridership between Amtrak and Texas Central trains, Amtrak communicated with Texas Central and its attorneys regarding STB filings and data and information provided by Amtrak that was included in Texas Central's filing.
- March 2022–July 2023: Amtrak has been engaged in discussions with Texas Central and the various entities that have been working with or for Texas Central to undertake a due diligence analysis regarding ways the two companies could potentially further work together to advance a high-speed rail corridor between Dallas and Houston and the grant applications identified below.

Entities with which Amtrak Has Interacted Regarding the Texas Central Project

- |                                   |                               |
|-----------------------------------|-------------------------------|
| • Bechtel                         | • Mitsubishi                  |
| • Citibank                        | • NEC                         |
| • Federal Railroad Administration | • Renfe                       |
| • Hatch LTK                       | • Sidley & Austin             |
| • Hitachi                         | • Suffolk Construction        |
| • HTcC                            | • Texas Central               |
| • JR-Central                      | • The Shinkansen United (TSU) |
| • Kiewit Corporation              | • Toshiba                     |
| • L.E.K. Consulting               | • Venable LLP                 |
| • Mass. Electric Construction Co. | • WeBuild Group               |

Grant applications under the Consolidated Rail Infrastructure and Safety Improvements Program (CRISI), Corridor Identification and Development Program (Corridor ID) and Federal-State Partnership for Intercity Passenger Rail-National Network Program (FSP-National) have been developed to support further developmental work on the project. The outcome of these applications is expected to be known in Fall 2023.

It is premature to predict the result of Amtrak's review of the project, or what role Amtrak might play in the development of the project or any future operation. Amtrak will only proceed to a developmental phase following completion of its current due diligence work, and only then if grant funding is forthcoming.

*I-20 Corridor:*

*Question 7.* The proposed I-20 Corridor project would pass through North and East Texas and have a significant impact on my district. I sent a letter to FRA Administrator Bose in support of Amtrak's plan to implement the project, which has the ability to provide vigorous economic and quality-of-life benefits to Mineola, Dallas, and other communities in Texas' Congressional District 5. Mr. Gardner, how will the I-20 Corridor revitalize cities and towns in Texas and provide more work opportunities for my constituents?

*ANSWER.* Amtrak has applied for an FTA Federal-State Partnership grant for the I-20 Amtrak Crescent Extension from Meridian to Dallas-Fort Worth. This new corridor will connect 6.5 million people in the Dallas-Fort Worth Metroplex with millions more in Atlanta and across the Southern and Mid-Atlantic Regions of the United States. The route would fill an important gap in Amtrak's National Network along the I-20 corridor through Mississippi, northern Louisiana, and Texas and would provide connection opportunities to existing services such as the Texas Eagle, City of New Orleans, Crescent, and Heartland Flyer.

Construction activities and ongoing operations will generate jobs and investment. The assessment estimates the new service will add or support 661 permanent jobs across all industries, including 224 directly connected to the new service. Results from the 2023 Economic Benefits Assessment IMPLAN model show that new induced visitor spending on lodging, restaurants, entertainment, shopping and local transportation, combined with the stimulus effects of savings from reduced vehicle miles traveled (VMTs) and spending on the rail operation itself, can be expected to support an additional labor income increment of \$46.5 million and value-added effects—i.e., incremental contribution to Gross Domestic Product from industry-to-industry transactions—of \$91.8 million annually.

The service will connect Texas communities with the economic epicenters of the region. These direct connections strengthen the ability for smaller communities to attract and retain businesses, jobs, employees, residents, and visitors. Additional service at stations or new stations can also generate economic development around the station areas.

*Border Crisis:*

*Question 8.* An existing contract with ICE allows Amtrak to transport undocumented immigrants across the country to detention facilities or deliver them to immigration hearings or court appearances. Are there any limitations or restrictions on Amtrak's involvement in transporting migrants, such as in regard to the types of individuals or locations that can be transported?

*ANSWER.* Amtrak has not engaged in any organized transport of undocumented migrants with any entity, including ICE. Amtrak and the Amtrak Police Department (APD) do have policies governing the transportation of prisoners by law enforcement agencies using Amtrak services, but there are no specific allotments or provisions pertaining to the transportation of undocumented migrants.

*Question 9.* Is Amtrak currently or have they ever entered a contract of any kind with a non-profit charitable organization or non-governmental organization to transport migrants throughout the United States? If so, please provide any existing contracts and list of any NGOs using Amtrak trains to transport migrants.

*ANSWER.* Amtrak has never been, and is not currently, under contract of any kind with any organization to transport migrants. In the months prior to the discontinuation of Title 42, Amtrak engaged with non-governmental organizations and charities to provide a dedicated customer service telephone line for organizations seeking to buy tickets. This service received extremely limited use and was eventually folded into our general reservation system.

*Question 10.* Is Amtrak currently or have they ever entered a contract of any kind with a local, state, or federal entity for the purpose of transporting migrants throughout the United States? If so, please provide a list of any NGOs using Amtrak trains to transport migrants. For example, has Amtrak received money from the Federal Emergency Management Agency to transport an undocumented immigrant?

*ANSWER.* Amtrak is not currently and has not previously been under contract with any local, state, or federal entity for the purpose of transporting migrants in the United States, nor has Amtrak received funding from any government institution for that purpose.

QUESTIONS FROM HON. RUDY YAKYM III TO STEPHEN GARDNER,  
CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK)

*Question 1.* Mr. Gardner, you testified that Amtrak's starting up the *Great River* route this year, with a daily roundtrip train between Chicago and St. Paul, Minnesota.

The trip is projected to be seven and a half hours.<sup>6</sup> You can drive from Union Station in Chicago to Union Depot in St. Paul in under six hours. You can fly from Chicago-O'Hare to Minneapolis-St. Paul in an hour and a half, and the route is well-served, with my staff identifying 26 nonstop flights on four major airlines on a day picked at random.

Can you please describe the market research that was undertaken before deciding to establish this route, as well as the key facts and figures that contributed to the decision?

*Question 1.a.* What is the target demographic that Amtrak anticipates riding the *Great River*?

*Question 1.b.* Was the market research Amtrak conducted ahead of the *Great River* route in line with the typical market research it conducts as it evaluates new service?

*Question 1.c.* What is the overriding factor as Amtrak considers a new service? Is it profitability, ridership, or something else?

*ANSWERS to Questions 1, 1.a., 1.b., & 1.c.* Like airlines, Amtrak uses ridership and revenue forecasting models to project future ridership and revenues on all of its existing and proposed routes, including the *Great River*. These models incorporate a large number of different demographic inputs that affect travel demand and historical data on demand for Amtrak services.

Under Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (Section 209) and 49 U.S.C. 24712, it is up to states to decide whether they wish Amtrak to operate routes of 750 miles or less outside of the Northeast Corridor, such as the planned *Great River* route. On these routes, which are referred

<sup>6</sup><https://wisconsin.gov/Documents/projects/multimodal/rail/TCMC-booklet20210526.pdf>



to as “state-supported routes,” states—Minnesota, Wisconsin and Illinois in the case of the *Great River*, which will be a Milwaukee-to-St. Paul extension of existing state-supported Chicago-to-Milwaukee trains—are responsible for funding or securing funding for most operating costs that are not covered by passenger revenues, and for certain capital costs.

In advancing new routes, Amtrak considers many factors, including current market conditions; the existence and performance of current intercity service; and changing demographic, economic development and growth patterns, along with current and anticipated congestion and reliability conditions of other modes. Of course, Amtrak must also consider all the operational factors, including feasibility, host railroad access and the availability of equipment (for which states pay a capital charge) and other necessary resources in evaluating any service. When good candidate routes are identified, the overriding factor that Amtrak considers regarding whether to operate a new state-supported route is whether a state or states is prepared to provide or secure funding for the necessary costs. While different states have a variety of reasons for funding state-supported routes, the primary one is usually to provide more mobility options for their residents.

Like Amtrak’s other services, the *Great River* service is not targeted at one particular market segment or demographic. Similar state-supported services carry significant numbers of college students; passengers traveling to visit family members; travelers making personal business trips (e.g., for medical appointments, weddings and funerals); and passengers making leisure trips. (Chicago, Milwaukee and Minneapolis/St. Paul are all significant leisure destinations with multiple attractions and major league sports teams, and Wisconsin Dells attracts approximately four million annual visitors.) Many of these travelers prefer the experience of rail travel or are unable to drive or fly, and in many cases flying is not an option between the points they are traveling.

As you point out, there is frequent airline service between the two large metropolitan areas—Chicago and Minneapolis/St. Paul—the *Great River* will connect. However, there is no air service in most of the communities along the *Great River* route. Of the seven planned stops between Milwaukee and St. Paul, only one—La Crosse, Wisconsin—has any scheduled air service, and the only destination to which one can fly directly from La Crosse is Chicago. Airfares for passengers who are not traveling between major airline hubs or are unable to book tickets in advance are often prohibitively expensive. The lowest airfare for the 215-mile flight between Chicago and La Crosse is \$259, and passengers booking same- or next-day flights between Chicago and Minneapolis/St. Paul can expect to pay a similar fare. While Amtrak’s long-distance Chicago to Seattle/Portland *Empire Builder* serves the same stations the *Great River* will serve, it operates at different times of day than the *Great River* will; is frequently sold out between Chicago and St. Paul; and is often late eastbound because of delays encountered while operating over host railroad lines west of St. Paul.

*Question 2.* Amtrak projects annual ridership of 124,000 for the *Great River* in a “travelshed” that sees 10 million annual trips across car, plane, bus, and train.<sup>7</sup>

*Question 2.a.* How did Amtrak arrive at this ridership estimate?

*Question 2.b.* When was the estimate released in relation to the COVID-19 pandemic? If it was before the COVID-19 pandemic, why did Amtrak not update the figure to account for the new ridership realities?

*Question 2.c.* If ridership comes in below the projected level, what steps does Amtrak plan to take to increase ridership?

*Question 2.d.* If ridership comes in below the projected level, are the additional financial losses borne by Amtrak, the Federal Restoration and Enhancement Grant, or the state partners?

*Question 2.e.* What ridership does Amtrak project for this route in fiscal year 2029?

*Question 2.f.* Amtrak projects revenue growth for the *Great River* route to be about 4.5% between fiscal year 2024 and 2029—an average of 0.9% annual growth.<sup>8</sup> On a one-for-one basis of ridership to revenue, this appears to mean that Amtrak anticipates attracting only about 5800 additional riders in six years. Given the 10 million-trip travelshed, why does Amtrak not project more robust growth in ridership?

**ANSWERS to Questions 2.a.–2.f.** The manner in which Amtrak ridership estimates are developed is described in the response to Yakym Question 1 above. Amtrak has recently updated its ridership estimates for the *Great River*. The updated projections

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

take into account changes in the operating plan for the service, which is now planned to operate as an extension of an existing Chicago-Milwaukee state-supported train. They also reflect changes in demand for Amtrak services since the onset of the COVID-19 pandemic and during the ongoing recovery from the decrease in travel demand it triggered. Amtrak's growing ridership now approximates or exceeds pre-pandemic ridership on most state-supported routes.

In conjunction with its state partners, Amtrak uses a variety of methods to attract and grow ridership on its state-supported services, including pricing actions and marketing campaigns. Under the state-supported service cost allocation methodology adopted pursuant to Section 209, if revenues for a state-supported service are less than projected, states are responsible for making up the difference. Restoration and Enhancement grants are awarded in fixed amounts.

Amtrak has not yet developed 2029 ridership projections that reflect the revised operating plan.

*Question 3.* Amtrak projects an operating cost for the *Great River* route of around \$12.3 million, revenue around \$5.0 million, and a federal and state subsidy of about \$7.2 million, with the federal government shouldering the lion's share in the early years and transitioning fully to the state partners in fiscal year 2027.<sup>9</sup>

*Question 3.a.* Does Amtrak project that the *Great River* service will ever be profitable?

*Question 3.b.* Does Amtrak consider a route whose revenue only covers 40% of operating costs to be a valuable use of limited resources?

*Question 3.c.* Is a route whose revenue only covers 40% of operating costs sustainable? If so, for how long?

*ANSWERS to Questions 3.a.–3.c.* Amtrak has recently updated its forecasts for the *Great River* to reflect changes in travel demand, operating plans and inflation since previous forecasts were prepared. The updated forecasts project that, in Fiscal Year 2024, the *Great River* will have ridership of 231,900 passengers, including passengers traveling between Chicago and Milwaukee since the train is now planned to operate as an extension of an existing Chicago-to-Milwaukee state-supported train. Projected revenues are \$10.2 million, and the projected annual state payment will be \$6.1 million under the Section 209 methodology. We project a farebox recovery of approximately 57%.

While Amtrak does not expect the *Great River* to be profitable, its projected financial performance compares favorably to that of other U.S. publicly-funded transportation services. The Northern Indiana Commuter Transportation District's South Shore Line you asked me about at the hearing, which prior to the COVID-19 pandemic had one of the best financial performances among U.S. passenger railroads, covered 48% of its operating costs from farebox revenues in 2019. Likewise, airline and highway services, particularly in less populated communities like those the *Great River* will serve, receive both direct and indirect public subsidies. Among other things, Congress provided \$61 billion in funding to sustain the airline industry during the COVID-19 pandemic and has appropriated \$275 billion in general taxpayer revenues to the Highway Trust Fund since it became insolvent in 2008.

The *Great River* and Amtrak's other state-supported services are sustainable. As with commuter trains, airline services and federal highways, the federal, state and local governments that fund them recognize that they are essential to mobility and national and local economic prosperity. Despite the funding challenges states face, and lack of federal funding to match state investments in Amtrak state-supported services until the enactment of the Infrastructure Investment and Jobs Act, Amtrak's state-supported services and their ridership have grown significantly in recent decades. In the past 25 years, only one state has ceased providing funding support for a state-supported route. Given the mobility, economic and other benefits passenger rail provides, and growing travel demand that already congested highways and airports will be unable to accommodate, Amtrak believes that the funding federal and state governments provide to Amtrak and its state-supported services is a necessary and very prudent use of limited public funding.

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<sup>9</sup> Ibid.

Responses to Questions for the Record  
Mr. Wick Moorman, Amtrak CEO  
June 21, 2017

Questions 1-7 Issued by Hon. Jeff Denham of California

**1. A 2005 report by the U.S. Department of Transportation's Inspector General concluded that the operating losses on the long distance trains could be reduced by between \$75 million and \$158 million per year by eliminating sleeper service. Do you consider this a reasonable alternative to cutting the service altogether?**

As the Committee is aware, each long distance train within our network serves many markets and purposes. Each route has its own unique and dynamic mix of coach and sleeper demand, along with average trip length and key origin-destination pairs. Sleeping car passengers also pay much higher fares than coach passengers. Many factors have likely changed since the 2005 IG report: for example, ridership on long distance trains has increased significantly, as has cost recovery for the food services provided on long distance routes, and the right-sizing initiative discussed in response to Question 6 has reduced sleeping car operations and costs during off-peak periods. The *Auto Train*, the route with the highest sleeping car ridership, now covers nearly all its operating costs. This means a new analysis would be required to determine sleeping car service cost recovery. Amtrak believes that decisions on what sleeping car and other services should be provided on long distance routes should be determined on a route-specific basis, taking into account financial and customer service considerations.

**2. Since Amtrak is the minority user of Penn Station and for that matter the Northeast Corridor, why should Amtrak own and operate these assets?**

Congress directed Amtrak to purchase New York Penn Station, along with the balance of the Boston-Washington Northeast Corridor (NEC) still owned by the bankrupt Penn Central Transportation Company, in 1976 because it recognized that unified control of the NEC rail line and its principal facilities was an essential prerequisite to upgrading the NEC and developing high speed rail service.

That was a wise decision. Amtrak's ownership of the NEC has produced significant public benefits. The NEC and New York Penn Station, which were in decrepit condition when Amtrak acquired them, have been improved and upgraded, and their capacity increased. This, together with targeted commuter investments, has allowed both to accommodate twice as many commuter trains as they handled in 1976, as well as increased Amtrak service. Electrification and high-speed rail service have been extended throughout the NEC, on which Amtrak's trains now carry more passengers between New York City and both Washington and Boston than all the airlines combined. Maximum train speeds have been increased to 135-150 mph throughout the NEC: except on the 54-mile segment between New Rochelle, NY and New Haven, CT, the only portion of the NEC Amtrak does not control, where the maximum speed is only 90 mph.

This type of improvement effort could only be undertaken efficiently by a single network operator responsible for integrating the needs and requirements of all users along the entire NEC. In fact, across all of Europe, railway infrastructure management and operation has been integrated into single entities, which often exist as subsidiaries or divisions of the national carriers, to ensure integration, proper prioritization and standardization, economies of scale and greater efficiency

across the total rail network. Evidence of the challenges that stem from Balkanizing infrastructure under separate ownership and management can be seen by looking at the condition and performance of the section of the NEC operated by Metro-North. Further division of the network into separately-controlled segments would likely drive-up costs, decrease standardization across the corridor, negatively impact Amtrak's intercity service and create opportunities for bias and less regional accountability for operations and performance.

Additionally, while public funding for NEC investments has been inadequate, as the independent NEC Commission and others have documented, the clear majority of the funding provided has come from the Federal government and Amtrak pointing to the need for the Federal government and Amtrak to retain strong governance over the assets that they have invested in. The major projects to upgrade and increase capacity on the NEC – the NEC Improvement Project (NECIP) in the late 1970s, the Northeast High Speed Rail Improvement Program (NHRIP) in the late 1990s were all funded by the Federal government. The significant Federal investment in the NEC and New York Penn Station is protected by the 999-year mortgage the United States holds on Amtrak-owned NEC assets, and Federal control over the membership of Amtrak's board.

Amtrak, using Federal grants and net revenues from real estate and other ancillary activities, has funded the majority of the investments in the portions of Penn Station and its adjoining tracks and tunnels that are shared by Amtrak and commuter trains. Over the past decade, Amtrak has invested nearly half a billion dollars in these facilities, which is more than twice the combined investments of the two commuter railroad users - Long Island Rail Road (LIRR) and New Jersey TRANSIT (NJT) – during that period.

Selling, or transferring control, of New York Penn Station (or the NEC) to an entity other than Amtrak would do nothing to solve its underlying transportation-related challenges and would likely, as explained above, add to them. - Decades of inadequate public investment have resulted in assets that are not in a state of good repair and inadequate capacity to accommodate the vastly increased number of trains and passengers. All the New York area public transportation authorities already confront major funding, operational, and state-of-good repair challenges of their own. None can take on the added responsibility of owning and operating the most heavily used and complex rail station in North America, or have an available workforce with the specialized skills required to maintain New York Penn Station's unique, entirely below ground and rivers, electrified tracks and infrastructure.

Nor do any of these public entities have excess available funding to purchase the station, which is Amtrak's most valuable asset and is located in an area with some of the highest real estate values in the United States. (Since Amtrak is required by statute to operate as a for-profit company, and specifically prohibited from subsidizing commuter rail services, any sale of Penn Station would have to provide compensation to Amtrak based upon fair market value.) Amtrak is aware that private entities may have interest in the retail and development potential at Penn Station, and Amtrak will pursue these facility joint-benefit improvement opportunities as it improves its terminal assets through current investment in NEC capital projects as required by the FAST Act. But shifting control of Penn Station from a railroad to a real estate developer is not the solution to the station's capacity and railroad operating and infrastructure challenges.

**3. Why should Amtrak continue to own Penn Station after Amtrak moves to the Farley building?**

The target date for the opening of the new train hall at Moynihan Station is 2021. When the train hall project is completed, Amtrak's primary departure concourse and passenger-facing operations will move across the street. However, the addition of the Moynihan Train Hall does not replace Penn Station, but rather expands the station's passenger concourses. The same existing 21 tracks and 10 passenger platforms run beneath both buildings, and Amtrak passengers can and will continue to utilize these tracks and platforms as well as other portions of the existing station facility, such as the large back-of-house presence we currently have at the station and limited concourse operations for late night service, when the Moynihan Train Hall will be closed.

Therefore, and as detailed in the answer to Question 2, Amtrak will need to continue to own, maintain and jointly-dispatch Penn Station's trackage and platforms even after the Train Hall is open.

Upon moving to Moynihan, Amtrak will look to redevelop the space we vacate. Recognizing that private investment is needed to make substantial changes to the Penn Station building, Amtrak will be issuing a Request for Proposal (RFP) to the development community in the 2019 timeframe, following up to the positive response to the prior Request for Expression of Interest. In preparation for the RFP, Amtrak is undertaking master planning and assessing needs of Penn Station's commuter railroads pre- and post-Moynihan expansion. Whether in conjunction with the expansion to Moynihan Station, changes in control/ownership of areas within the existing station are warranted, and would be in the financial, business, and operational interests of Amtrak and the station's commuter railroad users, will be determined in light of specific proposals.

In the meantime, Amtrak continues to make investments in rail assets in New York City, including both rail infrastructure (tracks, platforms, signals and communications, etc.) and upgrades to our concourse in Penn Station to enhance the customer experience. Amtrak has improved signage and wayfinding by installing new arrival/departure boards; is releasing a construction contract for refreshed restrooms; and is designing improvements to waiting areas to ease congestion.

Amtrak is also collaborating with many partners to advance Penn Station projects. Amtrak is working with the Metropolitan Transportation Authority, its subsidiary LIRR, and New York State on an expansion concept for the 33rd Street Concourse, and with NJT on extension of the Central Concourse. Amtrak has also been in preliminary discussion with its partners on the potential to introduce new entrances to Penn Station at 7<sup>th</sup> Avenue and 32<sup>nd</sup> Street, and at 8<sup>th</sup> Avenue directly across from Moynihan Station, for improved pedestrian circulation and better connections from the street.

**4. Given the rights of Amtrak's maintenance of way forces in terms of bidding on work, what is Amtrak doing to ensure it has a reliable workforce to perform the work at Penn Station?**

While the rules around bidding rights in certain agreements can present challenges to maintenance and capital project execution, these have not been an impediment in advancing the Penn Station Renewal Project this summer. Between completion incentives and use of travelling construction units to supplement New York forces, we are confident we will have sufficient employees to complete the project and as of this date, the project is progressing on schedule.

**5. What is your definition of “fix-it-first” with regard to the NEC?**

“Fix-it-First” is a colloquialism used in the transportation industry that refers to prioritizing maintenance and state-or-good-repair (SOGR) work over expansion and improvements projects. In general, this philosophy makes good sense, as the continued and reliable operation and utility of existing assets is a precursor to growth and improvement. Large numbers of Amtrak’s NEC assets face major SOGR needs, as documented by the NEC Commission and highlighted in the most recent 5-Year Capital Plan for the Corridor. However, it is also important to note that capacity and improvement projects may be necessary strategies to address SOGR requirements. For instance, the creation of additional tracks and platforms at Penn Stations, known as the “Penn South” project within the Gateway Program, is necessary to support train and passenger growth made possible by additional tunnels and trackage entering New York from the West, but is also essential to creating the “swing space” that will permit critical maintenance and SOGR efforts within today’s Penn Station to occur without causing major impacts to service.

**6. Please discuss your work to improve cost recovery, on-time performance, and customer satisfaction on your worst-performing long distance routes. For example, the Sunset Limited from New Orleans to Los Angeles has the highest per rider subsidy and worst cost recovery of any long-distance route. How can you make this a more effective, less money-losing route?**

In an effort to improve the financial performance of our long distance trains, Amtrak has sought to take a systemic approach to the entire 15 train portfolio. For example, to better match capacity to demand, Amtrak implemented a “right-sizing” initiative designed to take advantage of the seasonality of our business. Trains are shortened during off-peak periods, which allows us to take advantage of the seasonality of our business to move some scheduled maintenance into off-peak periods. This improves our ability to match capacity to demand, adding capacity during the summer and reducing same during off peak travel periods.

We have also studied our passenger feedback to identify and focus on priorities that are important to our customers (more effective communication, for example). Customer satisfaction (eCSI) rose for three consecutive years because of a renewed focus on those attributes that our customers identified as high priorities. One particular passenger priority, On-Time Performance, has been a focus, as it correlates both to passenger satisfaction and direct cost savings. Amtrak has focused particularly on “initial terminal dispatchment” (ITD), ensuring that the train departs its originating point on time. While Amtrak has limited control over the performance of trains on host railroads, it has improved ITD and continues a vigorous ongoing dialogue with our host railroad partners through daily and weekly performance reports and a monthly meetings regimen with each host to ensure that hosts have a focus on the timely movement of our trains – which bolsters customer satisfaction and revenues, while helping to control costs.

**7. Why is Amtrak’s load factor only about 50%?**

While Amtrak’s average load factor for FY 2016 was 51%, it is important to understand that this is not a total load factor for an endpoint to endpoint journey as it is with aviation. Rather, it is an average for a journey that can include 10-30 intermediate station stops where passengers board and alight, constantly changing the load factor. The *peak load factor* – the degree to which the train is filled on the most crowded segment of the trip – is often the limiting factor for sales, as

seats that are filled limit our ability to sell trips that would begin or end outside of the filled segment.

This journey segmentation is the big difference compared to airlines. Many trains, particularly our long distance trains, are heavily patronized, and frequently carry enough passengers to fill every seat multiple times per trip.

Passenger demand for travel services can also vary with geography and time of day. Airlines can operate smaller planes off the peak, while using larger jets during peaks. For trains, however, it is not usually cost efficient to bring in a switch engine to add/cut cars in the middle of a route – which would also make trips longer – or feasible in above-capacity stations like New York Penn Station.

*Acela* and many state corridor routes use equipment that has an engine or power car at both ends. Such trains do not have to be turned at endpoints, and can thus make more trips. However, this makes it impractical to add or remove cars between trips, even on trains on which cars are not permanently joined like *Acela*, which means that the train must have enough cars for the trip with highest demand. This increases cost efficiency and ridership, but it does decrease the load factors.

Revenue management makes it possible to even out some of the lumps in demand by charging lower fares at lower demand times or on lower demand segments to attract more passengers. We also reduce the number of cars on winter long distance trains to match lower passenger demand. On the NEC, we run more cars on peak days; more trains on peak days of the week (a practice some airlines have recently begun to emulate); and additional trains on heavy demand segments. Passenger rail's lower load factors are offset by the efficiency and scope benefits of being able to serve multiple cities and towns with a single trip, the majority of which (even on the NEC) do not have air service, and hundreds of origin-destination pairs (versus just one for an airline flight).

**Questions 8-12 issued by Hon. Michael E. Capuano of Massachusetts**

**8. You mention that Amtrak's top priority is full funding of the \$1.6 billion that Congress authorized through the FAST Act for FY2018, along with full funding of the two new FRA grant programs authorized by this Committee. Yet the President's FY2018 Budget proposes to cut Federal funding for Amtrak by nearly 50 percent to just \$760 million. What impact would such a low funding level have on Amtrak?**

The Administration's FY2018 budget proposes \$760 million for Amtrak, which includes eliminating long distance service. As mentioned below in Question 9, if Amtrak was required to eliminate long distance service it would need additional Federal funds above the total authorized level requested in Amtrak's FY18 budget request, and not less, as the Administration proposed. If Congress were to implement the Administration's proposal, Amtrak would be unable to make many critical investments on the NEC or the National Network and face near-term threats to continued operation of the system.

**9. The President's Budget proposes to eliminate all 15 long distance routes, leaving 23 states and 4.6 million people stranded without access to intercity passenger rail service. Would eliminating long distance service increase costs and impact ridership on the Northeast Corridor and**

***state-supported routes? How would it effect Amtrak as a whole? Please provide specifics for the hearing record.***

Amtrak estimates that the long distance service elimination proposed in the Administration's FY2018 budget would impact both the Northeast Corridor (NEC) and state-supported routes. If Amtrak eliminates long distance service, significant unavoidable costs will remain, and those costs would need to be reallocated to other aspects of Amtrak's business. This must happen, because Amtrak would continue to incur these "shared and system-related costs," which would simply be shifted to state-supported routes and (in some cases) to the NEC. It is projected that state supported routes would see an annual increase of approximately \$461 million in their costs, while the NEC would see an annual increase of \$229 million. In addition, it is projected that there would be a loss of approximately \$15 million in NEC and state supported revenue due to the loss of connecting passengers from discontinued long distance trains.

Overall, Amtrak's initial projection is that elimination of long distance service would result in an additional cost of approximately \$423 million in FY2018 alone, requiring more funding from Congress and our partners, rather than less. In addition to "shared and system-related costs" discussed above, the majority of these additional costs are due to mandatory labor protection payments, known as C-2, which Amtrak would have a contractual obligation to pay to impacted employees over the FY2018 – FY2022 timespan.

***10. In August 2016, Amtrak received a \$2.5 billion Railroad Rehabilitation and Improvement Financing (RRIF) loan from the DOT to cover the cost of a contract with Alstom for 28 new trains, as well as other improvements to Amtrak's high-speed Acela service from D.C. to Boston. What improvements could Congress make to the RRIF loan program?***

Amtrak has funded two major equipment acquisitions using the RRIF program, the ACS-64 electric locomotives and the Next Generation High-Speed Trainsets. Amtrak received very good rates on generally favorable terms for both these loans, but we do believe the process to get to the point of a financing commitment by USDOT could be improved. The following are some suggestions in how to improve the program as it relates to Amtrak:

- Although Amtrak is clearly an eligible applicant, the Office of Management and Budget and the USDOT have consistently had challenges reconciling the mandate of the program to Amtrak as a borrower. One way to address this is to require that in calculating the credit risk premium (CRP), OMB and USDOT be limited to considering Amtrak's rating by the major rating agencies and that the CRP be no higher than what would be provided to another railroad with a similar rating.
- The Secretary of Transportation has a lien on all of Amtrak's assets and a mortgage on the Northeast Corridor and other infrastructure. RRIF-funded improvements to Amtrak's assets therefore improve the value of the underlying assets covered by the Secretary's lien and/or mortgages. This increase in value should be included when calculating the total value of collateral offered by Amtrak in support of a RRIF loan application.
- The most recent RRIF loan, which is financing the new trainsets, took over two years from time of application until time of financing commitment. This time frame is not



consistent with Congressional intent that applicants receive timely decisions from USDOT and OMB – specifically within 90 days of application. The lack of timely action on applications delays important investments in infrastructure, the resulting creation of jobs, and other important considerations and is not in the public interest. Amtrak suggests that Congress may want to clarify the requirement for timely decisions on RRIF applications for USDOT and OMB.

- Another effect of the indefinite period for review of applications is the potential movement of the interest rates applicable to RRIF loans while applications are under review, potentially resulting in adverse impact on project business cases. This was an ongoing concern of Amtrak during the two+ years our loan application was pending. One possible solution would be to set a cap in the interest rate 90 days after the application. Applicants could then be permitted to receive the current rate on the date of loan commitment if it is lower than the interest rate cap, with the added proviso that if interest rates increased during the USDOT/OMB deliberations, consideration of such an increase would not be able to be included in the calculation of the CRP.
- Amtrak repaid the RRIF loan used to purchase the ACS-64 locomotives but was unable to obtain a refund of the CRP. If the CRP is reflective of the Secretary's risk in making the loan and the loan is repaid in full, then there is no risk that the loan will not be repaid. Thus, Amtrak believes CRPs should be refunded at the time a loan is repaid.
- The Administration proposed allowing Federal funds to be used to pay the CRP by eliminating the annual prohibition included in current and recent appropriations laws. Amtrak agrees with this proposal for Federal funds to help support the cost of the CRP. Further, and in the interest of parity, the Secretary should be allowed to use the TIGER grant program to cover the costs of RRIF CRP, similar to how TIGER can currently cover the subsidy and administrative costs of TIFIA projects.
- Under amendments made by the FAST Act, the Secretary may enter into Master Credit Agreements with applicants for programs or projects prior to such applicants having meet all the conditions required for a direct loan or loan guarantee as a means of reserving credit authority on a contingent basis for such projects or programs. The Department should clarify in its NEPA rules that entering into a Master Credit Agreement is categorically excluded from NEPA requirements, and that completion of NEPA reviews are required only as predicate for receiving a direct loan or loan guarantee, as applicable.

***11. Amtrak has received just \$45.6 billion in Federal funding since its creation in 1971. This compares to \$1.2 trillion for highways and transit and \$391 billion for aviation. Part of the problem here is that Amtrak has no reliable funding mechanism, making it difficult to plan for future capital investments. Have you looked at possibilities for a dedicated funding mechanism for Amtrak? If so, please share those possibilities***

Most transportation programs are funded through a trust fund via contract authority, including all highway and most transit programs. Amtrak does not, however, receive any trust fund dollars and, as such, is dependent on discretionary funding through the annual appropriations process.

Our discretionary funding originates in the Transportation, and Housing and Urban Development, and related agencies (THUD) appropriations bill, competing with other important priorities beyond transportation needs. This puts Amtrak in a precarious position and makes our annual and long-term capital planning extremely difficult, which can result in investment delays, inefficiencies, and higher Federal funding requirements.

We remain committed to the idea of a trust fund for capital investment connected to Amtrak. However, absent Amtrak having access to a trust fund, Amtrak requests that Congress provide its discretionary funding through a mechanism known as “advance appropriations.” This would provide a predictable funding stream that Amtrak has sought since our creation and would improve our ability to plan.

At the very least, Amtrak requests three years of funding, which includes the fiscal year of the annual appropriations bill being considered by Congress, as well the two subsequent fiscal years. For example, the FY 2018 Transportation, Housing and Urban Development, and Related Agencies appropriations bill would include funding for FY2018, FY2019, and FY2020. According to OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget: *“Advance appropriations of budget authority will be scored as new budget authority in the fiscal year in which the funds become newly available for obligation, not when the appropriations are enacted.”*

To be clear, these two additional years of advance appropriations (FY2019 and FY2020) would not score in FY2018 and would not count against the FY2018 THUD appropriations bill’s 302(b) allocation. Also, in order to appropriate funding in this manner, the budget committees would need to authorize Amtrak for advance appropriations in order to comply with budget rules and points of order.

Based on the advantages outlined above, as well as no clear disadvantage to doing this, Amtrak believes providing an advance appropriation is simply the most prudent way to invest the American taxpayer’s resources in intercity passenger rail.

**12. What is the status of PTC implementation on the Northeast Corridor and other Amtrak routes?**

Amtrak is responsible for the installation and operation of PTC on the 456-mile Northeast Corridor between Washington and Boston, with the exception of the 57-mile segments operated by Metro North Railroad and the Long Island Rail Road. Amtrak has installed and turned on its Advanced Civil Speed Enforcement System (ACSES) on 392 miles of the NEC, and only three miles of unequipped track remain in the terminal areas at Washington, Philadelphia, and New York Penn Station. ACSES is also in service on the 104-mile Keystone Corridor between Philadelphia and Harrisburg, and Amtrak is committed to having PTC operational on the Amtrak-owned Springfield Line and on the Amtrak-owned or operated trackage of the Empire Corridor between Hoffmans (Schenectady) and New York City by the mandated deadline of December 31, 2018. PTC is also in service on the 95-mile-long Amtrak-owned Michigan Line.

While the merits of such actions are up for debate, there can be no question that this now reflects official DOT policy in evaluating project design when making funding allocations. The proposed alignment in Waller County creates the exact problems the Administration seeks to prevent—placing an artificial barrier between minority neighborhoods and high economic growth zones. This Executive Order was used to stop a desperately needed highway expansion that offered significant benefits in terms of both freight and personal travel that would reduce the costs of good and travel for folks, including those in the affected communities, yet it still ran afoul of these requirements.

Your project offers no benefits relative to freight movement and will necessarily cater to the wealthy if there's any chance of it being economically viable—making it demonstrably less valuable to the population at large and those in affected communities than a project already denied.

Considering these facts, why would Secretary Buttigieg not take similar actions to stop your project and how does this potential create liabilities for the taxpayer if you receive funding prior to receiving all necessary approvals?

**ANSWER.** It would not be appropriate for us to speculate on future actions that Secretary Buttigieg may or may not undertake.

**Question 23.** Are there alternative alignments that could redress DOT's likely concerns and if so, how much will this add to the bill for the American taxpayer?

**ANSWER.** FRA selected the preferred alternative in its Record of Decision published in November 2020.

**Question 24.** It's my understanding that your project will not be interoperable with any other rail system—is that correct?

**ANSWER.** For a consumer/passenger buying a ticket our train will be seamlessly connected thanks to our joint ticketing arrangement with Amtrak. From the paramount aspect of safety, the service-proven Tokaido Shinkansen's dedicated, stand-alone system has achieved unsurpassed and optimal safety and performance by not sharing crowded and dangerous freight rail lines.

**Question 25.** If so, why should Congress or the Administration provide funding for a one off line that precludes other systems from operating on TCR's tracks—in other words, there is no potential value for this project outside of TCR's operations so why would we fund it?

**ANSWER.** See question 24.

**Question 26.** What value add does this project provide to the national rail network—couldn't a much greater value be obtained at a significantly lower cost using interoperable systems?

**ANSWER.** Once operational, Texas Central will be the US showcase for a true high-speed rail system capable of replicating the unsurpassed safety and performance record of the world-renowned Shinkansen system. We do not believe that interoperable rail systems can operate at a lower cost while maintaining the same end to end safety, speed, and efficiency of a purpose built high-speed rail.

**Question 27.** Who developed the concept for this project and made the initial determination that it was necessary—in short, who's idea was the project in the first place?

**ANSWER.** Exhaustive ridership studies have pointed to Houston-Dallas as being the city pair with the highest demand for America's first true high-speed rail system. The Shinkansen technology was selected due to its exemplary safety and performance record. The project evolved from meetings with international transportation experts and mostly Texas-based private investors.

QUESTIONS FROM HON. PETER A. DEFazio TO WILLIAM J. FLYNN, CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

**Question 1.** Do you operate or envision service primarily funded by a foreign nation? Do you think it's a good idea for foreign countries to own or operate infrastructure assets in America?

**ANSWER.** No. We do think cabotage requirements should apply to passenger rail industry operations, just as they do to commercial aviation and domestic maritime shipping. Congress has already addressed some of the competitive and national security challenges of foreign state-owned rail car manufacturing here in the U.S., but similar enterprises could own and operate vital rail infrastructure under today's laws. If foreign operators are permitted to operate in the United States, there should be a level playing field—American operators must have the same rights to operate in the foreign operators' countries—and foreign government-controlled entities should not be able to buy their way in to controlling vital elements of the U.S.

infrastructure. While Amtrak supports private sector partnerships, ultimately, the issue of foreign ownership of U.S. infrastructure assets is a matter of policy that should be carefully considered by the federal government.

*Question 2.* Many of us like to talk the talk about rebuilding the middle-class. Well, investing in high-speed rail is a great way to walk the walk. Investing in rail creates middle-class jobs, which cannot be exported. Federal programs that invest in rail come with conditions—like Buy America that supports U.S. manufacturers, and the requirement that railroad workers earn traditional railroad employee benefits. All of our Panel 2 witnesses advocate for some form of Federal high-speed rail investment. I'd like to know how many of the proposed projects intend to comply with the existing requirements for Federal railroad funding:

a. Will your proposed project comply with Buy America?

*ANSWER.* Yes, Amtrak's proposed projects would meet or exceed applicable Buy America and domestic preference requirements, just as our current procurements do.

b. Does your company fit the U.S. legal definition of a "rail carrier"? In other words, will the workers who will work on your project once it's operational earn traditional railroad benefits, like Railroad Retirement?

*ANSWER.* Yes, Amtrak fits the legal definition of a rail carrier for the purposes of this question; our employees, including new employees hired as a result of our proposed Northeast Corridor enhancements or nationwide corridor development program, will continue to receive benefits that correspond with this status. Notably, the great majority of Amtrak employees are also represented by a collective bargaining unit. Amtrak believes that every operator of intercity passenger rail—high-speed or otherwise—should be an interstate rail carrier and subject to the same basic federal requirements and rules that Amtrak follows.

*Question 3.* Our reauthorization bill last year recommended \$60 billion of investment for rail; the President has recommended \$80 billion in rail investment.

Do you think this level of investment will make it possible to build all of the high-speed rail corridors we are discussing today? How would you recommend we prioritize?

*ANSWER.* The amounts that this Committee and the Biden administration have proposed are both visionary and completely appropriate; if invested in intercity passenger rail, such sums would represent a major step in the direction of the improved and expanded service that Amtrak seeks to operate.

More specifically, the NEC Commission, representing Amtrak, the states served by the NEC, and USDOT, have concluded the NEC needs approximately \$42 billion in additional investment to be returned to a state of good repair (which would further improve trip times). In addition to addressing the SOGR backlog, the package of upgrades described in my testimony, which would significantly improve trip times on the NEC, would require an additional approximately \$48 billion in investment. Amtrak is seeking an additional investment of approximately \$75 billion to advance its corridor development program, which could advance more than 30 new corridor routes and enhancements to more than 20 existing corridors.

To be clear, the current level of service around the country is the product of a decades-long trend in which intercity passenger rail received only a tiny fraction of public resources made available to support highway and air travel. The nation's passenger rail network is in serious need of significant investments. These investments are well worth making in their own right—and should Congress wish to pursue truly high-speed rail service on new corridors outside the Northeast, they are a crucial first step towards achieving that goal.

Potential investments of capital funding provided for the Northeast Corridor would be prioritized by Amtrak and its partners based upon infrastructure planning developed by the Northeast Corridor Commission, including the expected CON-NECT NEC 2035 first-phase implementation plan for the selected alternative from the FRA's NEC FUTURE record of decision. (Amtrak has called for creation of a new program that would provide dedicated "cost-to-complete" funding for the relevant projects; a one-pager describing that proposal is included as Appendix A.) New corridors and enhancements to existing corridors that are advanced through Amtrak's proposed corridor development program would be identified and prioritized by Amtrak in partnership with the Federal Railroad Administration and after consultation with other relevant stakeholders, pursuant to a process outlined in Amtrak's reauthorization proposal. To advance a new or enhanced corridor, Amtrak must have a willing state partner. (Legislative language containing that proposed process is contained in Appendix B.)

**APPENDIX A: AMTRAK'S PROPOSAL FOR AN NEC BEST (BRIDGES, STATIONS, TUNNELS) PROGRAM**

*Background:*

The Northeast Corridor (NEC) is the nation's busiest railroad, connecting the Northeast's major metropolitan economies. In normal times, NEC commuter railroads and Amtrak's high-speed intercity services provide a critical transportation link for hundreds of thousands of daily commuters, business travelers, students, and families. The reliability of this vital transportation artery is challenged by aging infrastructure, and NEC passengers experience frequent service disruptions due to infrastructure failures.

Dozens of NEC bridges, stations, and tunnels are beyond their design life, and while structurally safe, many are over 100 years old and in need of immediate replacement or rehabilitation. These assets are "shared benefit" assets, meaning that they support both commuter rail operations (supported by the Federal Transit Administration (FTA)) and Amtrak's intercity rail operations (supported by the Federal Railroad Administration (FRA)). Yet due to the sheer size of these assets and the costs associated with replacing/rehabilitating them, no federal program currently exists within the FRA or FTA that is appropriately structured to address the necessary shared benefit "mega-projects" and their unique challenges.

FRA's 'NEC FUTURE' planning and programmatic environmental impact statement (EIS) defined the necessity of bringing, and requirements to bring, the NEC to a state of good repair and provide additional capacity and service enhancements necessary to achieve faster, more reliable service. This vision cannot be achieved under the current piecemeal, uncoordinated funding options.

*Policy Proposal:*

A new long-term federal investment program, herein proposed as the NEC Bridges, Stations and Tunnels (BeST) program, could overcome these challenges by providing dedicated funding to the critical projects necessary to improve the NEC. This program would fund 90% of the combined intercity and commuter shares of the projects required to meet the service goals of the NEC FUTURE program, to bring the corridor to a state of good repair, to improve trip times, to increase reliability, and to expand capacity. These improvements would in turn create jobs, improve quality of life, reduce carbon emissions, and generate economic growth; they would also pave the way for high-speed opportunities along the NEC.

NEC BeST Projects (north to south)	State	"Order of Magnitude" Cost (billion \$)	FYs 22–26 Estimated Total Funding Needed (billion \$)	FYs 22–26 Federal Authorization Request (billion \$)
1. Boston South Station Expansion .....	MA .....	\$2.3	\$0.2	\$0.2
2. Warwick/T.F. Green Airport Station Expansion .....	RI .....	\$0.2	\$0.2	\$0.2
3. Hartford Station Relocation .....	CT .....	\$0.6	\$0.3	\$0.3
4. Connecticut Bridge Replacement Program (Conn. River [SPG], Conn. River [SLEI], Devon, Saugatuck, Walk, Cos Cob).	CT .....	\$4.7	\$2.0	\$1.9
5. New Haven and Stamford Station Improvements	CT .....	\$0.2	\$0.2	\$0.2
6. Pelham Bay Bridge Replacement .....	NY .....	\$0.5	\$0.1	\$0.1
7. Penn Station NY Reconstruction Master Plan .....	NY .....	\$5.5	\$2.0	\$2.0
8. Gateway Program—Penn Station NY Expansion ...	NY .....	\$10.9	\$8.2	\$7.8
9. Gateway Program—Hudson Tunnel Project .....	NY/NJ ..	\$11.6	\$7.2	\$6.7
10. Gateway Program—Additional Projects (Sawtooth Bridge, Dock Bridge, Harrison 4th Track, Portal South Bridge, Bergen Loop, Secaucus Station, NJ Rail Yard).	NJ .....	\$9.3	\$1.9	\$1.7
11. Newark Penn Station Improvements .....	NJ .....	\$0.5	\$0.2	\$0.2
12. Philadelphia Gray 30th Street Station District Plan.	PA .....	\$0.4	\$0.3	\$0.3
13. Maryland Bridge Rehabilitation and Replacement Program (Susquehanna, Bush River, Gunpowder).	MD .....	\$3.5	\$2.0	\$1.8

NEC BeST Projects (north to south)	State	"Order of Magnitude" Cost (billion \$)	FYs 22–26 Estimated Total Funding Needed (billion \$)	FYs 22–26 Federal Authorization Request (billion \$)
14. B&P Tunnel Program (and enabling projects) ....	MD .....	\$4.8	\$1.9	\$1.8
15. Baltimore Penn Station Master Plan .....	MD .....	\$0.1	\$0.1	\$0.1
16. Washington Union Station Plan .....	DC .....	\$10.7	\$2.5	\$2.3
17. NEC Trip Time and Capacity Improvement Program (specific projects under development by NEC Commission's CONNECT NEC 2035 program).	ALL .....	\$11.2	\$3.7	\$3.5
<b>TOTAL</b> .....		<b>\$77.0</b>	<b>\$33.0</b>	<b>\$31.1</b>

All figures in billions of dollars and may reflect rounding. All figures are estimates, and subject to further analysis.

*Proposed Legislative Language:*

The legislative language below is in the form of proposed bill text, and not a mark-up of existing U.S. Code provisions.

**SEC. 1108. NORTHEAST CORRIDOR BRIDGES, STATIONS AND TUNNELS (BeST) PROGRAM.**

(a) **PURPOSE.**—The Secretary of Transportation (hereinafter in this section referred to as “the Secretary”) shall make apportionments under this section for improvements to rail bridges, stations and tunnels on the Northeast Corridor to achieve the state of good repair, travel time and other objectives of the 2017 Federal Railroad Administration NEC FUTURE Record of Decision, and for other projects necessary to achieve such objectives.

(b) **INVENTORY.**—Every two years the Secretary shall publish a Northeast Corridor Project Inventory (hereinafter in this section referred to as the “NEC Inventory”) to designate projects for funding and sponsors for these projects. The inventory shall be made up of bridge, station, and tunnel capital projects, and other capital projects that enable the state of good repair, travel time, service frequency and other objectives of the Selected Alternative in the 2017 NEC FUTURE Record of Decision, and shall be consistent with the most recent Service Development Plan described in subsection 24904(d) of title 49, United States Code (hereinafter in this section referred to as the “Service Development Plan”). Each NEC Inventory shall include a method for apportioning funds to project sponsors for a period of two fiscal years that will lead to the implementation of the sequencing plan for such projects described in such Service Development Plan. The Secretary may alter the apportionments as necessary if recipients are not carrying out such schedule, or not supporting other agencies in doing so.

(c) **EXPENDITURE OF FUNDS.**—

(1) The division of non-federal costs for apportionments provided under this section shall be in accordance with subsection 24905(c) of title 49, United States Code.

(2) The share payable toward projects from funds provided pursuant to this section shall be 90 percent, except that, for fiscal years 2021 and 2022, such share shall be 100 percent. Project sponsors may satisfy the requirement for non-program match using any other source of funds, including federal funds provided from sources other than this section.

(3) Funds apportioned under this section shall be available until expended.

(4) Eligible recipients for apportionments under this section shall be a State (including the District of Columbia); a group of States; an Interstate Compact; a public agency or publicly chartered authority established by one or more States; a political subdivision of a State; the National Railroad Passenger Corporation, acting on its own behalf or under a cooperative agreement with one or more States; or any combination of these entities.

(5) Apportionments shall be used for projects named in the most recent NEC Inventory, including all construction and pre-construction expenses, including land acquisition, or for reimbursement of advance construction amounts expended pursuant to subsection (e).

(6) For purposes of this section, the term “Northeast Corridor” shall have the meaning provided in subsection 24904(e) of title 49, United States Code.

(7) Apportionments made to the National Railroad Passenger Corporation shall be provided to the corporation in accordance with section 24319 of title 49, United States Code.

(8) One-half of one percent of the funds made available to the Secretary to carry out this section shall be available for administration of this section.

(d) PROGRAM MANAGEMENT.—Every two years each project sponsor shall submit to the Northeast Corridor Commission described in section 24905 of Title 49, United States Code (hereafter in this section referred to as “the NEC Commission”) an Agency Program Management Plan in accordance with the formats, methods, and procedures developed by the NEC Commission. Each such plan shall describe the schedules, management actions, workforce availability, interagency agreements, permitting, track outage availability, and other factors that will determine the agency’s ability to carry out this section, or support other agencies to do so, according to the schedule in the most recent Service Development Plan. Every two years the NEC Commission shall submit to the Secretary an updated Service Development Plan that describes the schedule and sequencing of all capital projects on the corridor, and estimates the amount each sponsor agency will need in program funding for each of the next two fiscal years to carry out projects according to the plan.

(e) ADVANCE CONSTRUCTION.—The Secretary may authorize a project sponsor to proceed with a project under this section using funds other than those apportioned under this section, provided the project is undertaken in accordance with all requirements applicable to the project under this section. Funds apportioned to the project sponsor under this section in future fiscal years may be used to reimburse the project sponsor up to the total advance construction amounts expended.

(f) MAINTENANCE OF EFFORT.—The Secretary shall ensure that project sponsors adhere to the capital and operating contribution provisions of the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy. If a project sponsor does not maintain this level of effort, the Secretary may withhold funds under this subsection from a project sponsor up to the amount of the project sponsor’s shortfall, and, if the shortfall is not remedied after a reasonable period, may permanently reallocate such funds to other project sponsors.

(g) REQUIREMENTS.—Notwithstanding any other provision of law, regarding matters not directly addressed in this section, funds provided under this section, under any other part of title 49, United States Code, or under title 23, United States Code, when applied to projects named in the NEC Inventory, shall be administered as follows:—

(1) Funds received by Amtrak shall be administered as if they had been provided under subtitle V, part C of title 49, United States Code;

(2) Funds received by a designated recipient under chapter 53 of title 49, United States Code, shall be administered as if they had been provided under chapter 53 of Title 49, United States Code; and

(3) Funds received by a state (including the District of Columbia), a political subdivision of state, or a public authority, where the entity is not a designated recipient under chapter 53 of title 49, United States Code, shall be administered as if they had been provided under chapter 244 of title 49, United States Code.

This subsection shall apply whether such funds are provided directly as federal grants to a project sponsor or are transferred to the project sponsor by a grantee that originally received the funds.

#### APPENDIX B: LEGISLATIVE LANGUAGE FOR AMTRAK’S PROPOSED CORRIDOR DEVELOPMENT PROGRAM (AMTRAK CONNECTS US)

##### SEC. . CORRIDOR DEVELOPMENT PROGRAM

(a) AUTHORIZATION.—Subject to the notification requirements of this section, Amtrak may utilize the amounts appropriated in each fiscal year pursuant to *[the proposed authorization of funding for Amtrak’s existing National Network grant]* for capital and operating costs associated with the planning, development, acquisition, construction, and operation of—

(1) new, improved, or expanded intercity passenger rail services and related infrastructure, stations, facilities, and rolling stock on corridors defined under Sections 24102(7)(B) and (D) of Title 49, United States Code; and

(2) providing daily service on Long-Distance routes serving corridors that had less frequent service during fiscal year 2019.

(b) REQUIRED PARTICIPATION.—

(1) Partnerships.—Amtrak and the Federal Railroad Administration shall jointly create a standard process for states, localities, host railroads, and other parties to seek corridor development partnerships with Amtrak for corridor improvements and expansions.

- (2) State and local government advisory council.—Amtrak, with the participation of the Federal Railroad Administration, shall establish a Corridor Development Advisory Council made up of a geographically representative cohort of state and local government transportation officials to provide guidance and input related to corridor and project identification and plan development under subsections (d) and (e) of this section.
- (3) State rail plans.—Amtrak shall utilize state rail plans as described in subsection (d)(1) and other studies and analyses by states and regional entities to inform corridor selection, plan development, and partnership decisions.
- (4) Memorandum of understanding.—Before Amtrak incurs any costs pursuant to subsections (h)(2)–(4), and before a state, locality, or other party pays any costs pursuant to subsection (h), Amtrak and the entity or entities involved shall enter into a memorandum of understanding or agreement for sharing operating and capital costs in accordance with this section, except for routes identified under subsection (i)(2).
- (c) ELIGIBLE TYPES OF ROUTES.—Routes eligible under this program are—
- (1) existing or new corridor routes defined under Section 24102(7)(D) of Title 49, United States Code;
  - (2) federally-designated high-speed rail corridors defined under Section 24102(7)(B) of Title 49, United States Code; and
  - (3) long distance routes defined under Section 24107(7)(C) of Title 49 that had less than daily service during fiscal year 2019.
- (d) IDENTIFICATION OF CORRIDORS.—Amtrak and the Federal Railroad Administration shall undertake a joint process to study, identify, and prioritize high-potential corridors for Amtrak partnership, investment, and development. In carrying out this process, Amtrak and the Federal Railroad Administration shall—
- (1) consider—
    - (A) projected ridership, revenues, capital investment, and operating funding requirements;
    - (B) anticipated environmental, congestion mitigation, and other public benefits;
    - (C) projected trip times and their competitiveness with those of other transportation modes;
    - (D) committed or anticipated state, regional transportation authority, or other non-federal funding for operating and capital costs;
    - (E) whether the corridor is a Federally designated high-speed rail corridor;
    - (F) whether initiation or improvement of intercity passenger rail service along the corridor is included in a state's approved state rail plan developed pursuant to Chapter 227 of Title 49, United States Code;
    - (G) whether the corridor serves historically underserved and low-income communities;
    - (H) whether initiation or improvement of intercity passenger rail service along the corridor would benefit or improve connectivity with existing or planned transportation services of other modes;
    - (I) whether the corridor connects at least two of the top 50 metropolitan areas by population;
    - (J) whether initiation or improvement of intercity passenger rail service along the corridor would enhance the regional equity and geographic diversity of Amtrak's intercity passenger rail service;
    - (K) whether the corridor currently has Long-Distance service that corridor service could complement; and
    - (L) whether the corridor can be well-integrated into the National Network and create benefits for Amtrak's other routes and services; and
  - (2) consult with—
    - (A) appropriate state and regional transportation authorities, local officials, host railroads, and other stakeholders; and
    - (B) representatives of employee labor organizations representing railroad and other appropriate employees.
- (e) CORRIDOR DEVELOPMENT PLANS.—For corridors identified under subsection (d), Amtrak, in consultation with the Federal Railroad Administration, may develop a corridor development plan for each corridor which shall include—
- (1) the identification of projects to improve, expand, or develop intercity passenger rail service;
  - (2) a detailed description of the new, expanded or improved intercity passenger rail service that would result from such projects, including train frequencies, peak and average operating speeds, and trip times;
  - (3) a schedule and any associated phasing of projects and related service initiation or changes;



- (4) identification of project sponsors and entities expected to participate in the project, including identification of roles and responsibilities for design, construction, operation, maintenance, and other key aspects of the corridor development plan, including carrying out improvements and operating resulting services;
  - (5) a description of how the project would comply with Federal rail safety and security laws, orders, and regulations;
  - (6) the locations of existing and proposed stations;
  - (7) the type of rolling stock and other equipment to be used;
  - (8) a financial plan identifying—
    - (A) projected annual revenue;
    - (B) projected annual ridership;
    - (C) estimated initial capital investments;
    - (D) annual operating and capital costs; and
    - (E) projected levels of public and private investment and funding;
  - (9) a description of how the project would contribute to the development of the National Network and an intermodal plan describing how the new or improved corridor facilitates travel connections with other transportation services;
  - (10) a description of the anticipated environmental benefits; and
  - (11) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.
- (f) **APPROVAL.**—Amtrak shall submit each plan developed under subsection (e) to the Secretary of Transportation for approval. The Secretary shall review each plan and make a decision on plan approval within 60 days of submission by Amtrak.
- (g) **NOTIFICATION.**—
- (1) In general.—Following approval of a corridor development plan under subsection (f) and prior to incurring or committing to incur expenditures pursuant to subsections (h)(2)–(4) in a given fiscal year, Amtrak shall include within its submission of the general and legislative annual report for that year required by Section 24315(b) of Title 49, United States Code, descriptions of—
    - (A) the proposed corridors for development in that fiscal year, including:
      - (i) corridor improvement programs;
      - (ii) corridor expansion programs;
      - (iii) new corridor programs; and
      - (iv) long distance route frequency expansions described in subsection (c)(3);
    - (B) the service to be provided, including service frequency and trip time;
    - (C) the total Amtrak capital investments required for each corridor and the costs of such development efforts in that fiscal year;
    - (D) projected ridership, revenues, and operating and capital costs during the first five years of operation, and the projected sources of funding for such costs;
    - (E) access and services required from host railroads, and the status of agreements or orders governing such access and services; and
    - (F) the status of compliance with any applicable environmental or safety laws and regulations.
  - (h) **USE OF FUNDS.**—Funding authorized under this section for a fiscal year following the submission of notification required under subsection (g) may be used by Amtrak to carry out corridor development plans including providing for:
    - (1) up to 100% of the costs of planning, developing, designing and supporting the implementation of new, improved or additional services on high-potential corridors, including the costs of any necessary environmental reviews, safety planning costs, and costs incurred in connection with proceedings under subsections (a) and (e) of Section 24308 of Title 49 to obtain access orders and determine compensation terms for operations on host railroads;
    - (2) up to 100% of the costs of capital investments required to initiate the new, improved, or additional services, including the costs of acquiring or improving rail lines and other infrastructure, stations and other facilities, and equipment; and
    - (3) operating and capital costs of the new, improved, or additional services not funded by revenues during the first two years of operation; and
    - (4) operating and capital costs for the new, improved, or additional services during subsequent years of operation not funded by revenues, or for services subject to paragraph (i)(2).
  - (i) **STATE FUNDING.**—In the third through fifth years of operation of new, improved, or additional services funded under this section, one or more states, regional transportation authorities, local governments, or other parties with which Amtrak has entered into an agreement shall pay the following percentages of their operating

and capital costs determined under the methodology developed pursuant to section 209 of Public Law 110-432 (codified as a note to 49 U.S.C. 24101)—

- (1) Phase-In.—
  - (A) 10% in the third year;
  - (B) 20% in the fourth year;
  - (C) 50% in the fifth year; and
  - (D) 100% thereafter.
- (2) Non-applicability.—The requirement for partner funding shall not apply to—
  - (A) long distance routes on which service frequency is increased to up to daily service;
  - (B) new routes over 500 miles;
  - (C) extensions of existing routes that increase the route distance to over 500 miles; and
  - (D) portions of new routes within Canada or Mexico.

QUESTIONS FROM HON. PETER A. DEFazio TO JOSH GIEGEL, CHIEF EXECUTIVE  
OFFICER AND COFOUNDER, VIRGIN HYPERLOOP

*Question 1.* Do you operate or envision service primarily funded by a foreign nation? Do you think it's a good idea for foreign countries to own or operate infrastructure assets in America?

*ANSWER.* We have a broad investor base, including foreign companies, reflecting the appeal of our technology. However, we pride ourselves on being a U.S.-based company with our intellectual property and product development in the United States. We have the potential to export our high-speed transportation technology to other countries, as well as provide it to customers for use in the U.S. We see this as in the U.S. public interest compared to losing a market to non-U.S. competitors. Hyperloop technology would create opportunities for the United States to provide world leadership in a new industry utilizing an emerging and innovative, energy efficient, environmentally friendly, high-speed, mass surface transportation technology. In addition, it would stimulate growth in U.S. manufacturing jobs to support the emerging and innovative energy efficient technology, including for export. Deployment of this advanced transportation technology system could also encourage additional spinoff technology benefits, such as fostering an emerging advanced battery manufacturing industry in the United States, among other things.

Importantly, we are a technology company and do not envision being the service provider, so funding sources for a service, including associated assets would be determined by public and private partners who would operate specific routes.

*Question 2.* Many of us like to talk the talk about rebuilding the middle-class. Well, investing in high-speed rail is a great way to walk the walk. Investing in rail creates middle-class jobs, which cannot be exported. Federal programs that invest in rail come with conditions—like Buy America that supports U.S. manufacturers, and the requirement that railroad workers earn traditional railroad employee benefits. All of our Panel 2 witnesses advocate for some form of Federal high-speed rail investment. I'd like to know how many of the proposed projects intend to comply with the existing requirements for Federal railroad funding:

- a. Will your proposed project comply with Buy America?

*ANSWER.* We would comply with any Buy America requirements applicable to us and understand that any partners of ours who would file applications for and receive Federal funds would comply with applicable requirements.

- b. Does your company fit the U.S. legal definition of a "rail carrier"? In other words, will the workers who will work on your project once it's operational earn traditional railroad benefits, like Railroad Retirement?

*ANSWER.* Again, we are a technology company. Service that utilizes our technology, like service that utilizes other technology, will be structured by those who provide service. The service providers will choose how to structure their operations. A service provider will have to meet requirements applicable to their operations in providing service.

*Question 3.* Our reauthorization bill last year recommended \$60 billion of investment for rail; the President has recommended \$80 billion in rail investment.

Do you think this level of investment will make it possible to build all of the high-speed rail corridors we are discussing today? How would you recommend we prioritize?

*ANSWER.* "High-speed" rail projects and other rail projects should be awarded funding on their merits; that is to say upon consideration of whether they are *truly* high-speed, environmentally friendly, energy efficient, and high capacity, with safety

advantages. We have not asked Congress for funding for a specific project. We do recommend that Congress ensure that a project utilizing hyperloop technology is eligible to compete for funds that are available to a rail applicant (whether rail funds or multimodal funds) and for any funds available for advanced or emerging transportation technology, particularly given the many benefits of the technology. Hyperloop with no or low direct emissions from operations offers great promise of dramatically improving energy efficiency and substantially reducing emissions of our national transportation systems, among its many other benefits. Beyond energy efficiency and emissions benefits, hyperloop could fundamentally improve American mobility. Trips that take hours today could be reduced to mere minutes.

We also think Congress should dedicate at least some funding to truly high-speed, or high-speed capable innovative projects, which we think hyperloop can be competitive for and win. Whatever total amount of funding Congress advances in this legislation, it is in our national interest to take a step forward by ensuring a portion is allocated to investments in emerging technologies that meet our transportation challenges and have zero direct emissions, like hyperloop. The lack of investment in transportation technologies of the future is putting the U.S. further behind. In the public interest as to high-speed rail, the U.S. should be prioritizing projects that are energy efficient, reduce greenhouse gas emissions, are extremely high-speed, and increase safety. Similar criteria should apply as to funds not specifically for "high-speed" projects; even then, the speed capability of a project's technology should be a factor.

QUESTIONS FROM HON. PETER A. DEFazio TO ANDRES DE LEON, CHIEF EXECUTIVE OFFICER, HYPERLOOP TRANSPORTATION TECHNOLOGIES

*Question 1.* Do you operate or envision service primarily funded by a foreign nation? Do you think it's a good idea for foreign countries to own or operate infrastructure assets in America?

*ANSWER.* We are expecting to license our technology to infrastructure and transportation operators with previous experience (and history) in specific regions and countries. We believe that the funding will come from a consortium of various entities, some of which could be private foreign investments operating at international levels with strong infrastructure reputations.

Ownership of the infra-assets and its operations can be shared with foreign entities with deep knowledge and experience in the infrastructure and transportation industry. Incentivizing national infrastructure operators to join the hyperloop industry and own and operate the system with public grants could facilitate the creation of national know-how that can be exported abroad in the future.

*Question 2.* Many of us like to talk the talk about rebuilding the middle-class. Well, investing in high-speed rail is a great way to walk the walk. Investing in rail creates middle-class jobs, which cannot be exported. Federal programs that invest in rail come with conditions—like Buy America that supports U.S. manufacturers, and the requirement that railroad workers earn traditional railroad employee benefits. All of our Panel 2 witnesses advocate for some form of Federal high-speed rail investment. I'd like to know how many of the proposed projects intend to comply with the existing requirements for Federal railroad funding:

a. Will your proposed project comply with Buy America?

*ANSWER.* The majority of HyperloopTT's system components are open source and can be manufactured in a variety of locations, including the United States. It is anticipated that conformance with Buy America provisions will be satisfied through partnerships with local and regional suppliers that are part of the HyperloopTT licensing package.

b. Does your company fit the U.S. legal definition of a "rail carrier"? In other words, will the workers who will work on your project once it's operational earn traditional railroad benefits, like Railroad Retirement?

*ANSWER.* A HyperloopTT system fits the description of a "railroad" and "rail carrier" as defined by 49 CFR § 20102. Ultimately, the determination as to whether system operator employees engaged in operations are eligible for Railroad Retirement Act benefits lies with the Railroad Retirement Board.

*Question 3.* Our reauthorization bill last year recommended \$60 billion of investment for rail; the President has recommended \$80 billion in rail investment.

Do you think this level of investment will make it possible to build all of the high-speed rail corridors we are discussing today? How would you recommend we prioritize?

*ANSWER.* A good way to stretch \$60–\$80 billion of federal funding is to incentivize private financing of commercially viable high-speed rail, maglev and hyperloop

**Rail Safety and Infrastructure Subcommittee Perspectives: Amtrak**  
**Fiscal Year 2019 Questions for the Record**  
**Ranking Member David Price**  
**Subcommittee on Transportation, Housing and Urban Development, and Related Agencies**  
**House Committee on Appropriations**

Price #1

***Reservation Agents***

I understand that Amtrak has served notice of cancellation of its Reservations Sales Office Part- Time Agreement with the Transportation Communications Union, while also announcing that Amtrak will issue a request for proposal (RFP) with the intent to secure a Business Process Outsourcer (BPO) by the end of the fiscal year.

**Question:** Has Amtrak issued an RFP yet? If so, have you had any discussions vendors?

**Answer:** Amtrak has issued the RFP. No discussions have been held with vendors. The RFP process, including any discussions, will be held in accordance with Amtrak's Procurement Policies.

**Question:** How many positions (both part-time and full) does Amtrak intend to contract out to the outsourcer, and over what period of time?

**Answer:** Unknown and use of a vendor partner could occur no earlier than late September.

**Question:** Is Amtrak considering contracting with an outsourcer located overseas, or an outsourcer that would move these positions to overseas locations?

**Answer:** We are not.

**Question:** Has Amtrak voiced any specific concerns as to the nature of the work performed by Reservations Sales Agents represented by the Transportation Communications Union (TCU)? Has Amtrak made good-faith efforts to discuss their financial concerns with TCU regarding these positions?

**Answer:** TCU union has not requested a meeting with the relevant Amtrak parties involved in Contact Centers and the RFP despite our offer to meet in our March 28, 2018 on issuing the RFP.

**Question:** What are the specific projected savings Amtrak is hoping to achieve through contracting with a Business Process Outsourcer?

**Answer:** We won't know that until we have responses back to the RFP. Unknown until bids are evaluated.

***Discounts***

I understand that Amtrak has abolished discounts for students, seniors, AAA members, NARP members, and veterans.

**Question:** What is the rationale behind the decision to end the discounts?

**Answer:** The objective of the adjustments was to increase revenue and reduce American taxpayer subsidy.

**Question:** Did Amtrak give these stakeholder groups or Members of Congress notice and an opportunity to comment before these decisions were implemented?

**Answer:** Senior, disabled, active military and NARP discounts have not been abolished. All are in effect at 10% off. The discounts were reduced and discussed with state partners consistent with our agreements. The existence of programs and the nature of the programs with private companies such as AAA were handled in accordance with our contractual agreements. The AAA agreement, for example, was simply allowed to expire.

### *Special Trains*

I understand that Amtrak CEO Richard Anderson, in a memo dated March 28, announced that “effective immediately” Amtrak will no longer operate private charters or special trains except in very limited circumstances.

**Question:** Were private railcar and special train operators given the opportunity to comment on this decision and submit feedback in advance of its implementation?

**Answer:** Mr. Anderson’s Advisory of March 28, 2018, was applicable only to charter trains, which are non-regularly-scheduled trains for commercial customers operated by Amtrak pursuant to negotiated agreements. Mr. Anderson issued a subsequent Advisory on April 19, 2018 which was applicable to private cars moving on regularly-scheduled Amtrak trains, along with updated guidelines for charter trains (please see attached). This was issued after a listening session on April 2, 2018 held among officials from Amtrak’s Commercial, Transportation, Host Railroad, and Mechanical departments and from two leading private car and charter advocacy groups: the American Association of Private Railroad Car Owners and the Railroad Passenger Car Alliance.

**Question:** What percentage of scheduled Amtrak trains haul private cars?

**Answer:** Approximately 53% of regularly-scheduled Amtrak trains are eligible to add or remove private cars at locations identified in Amtrak’s private car guidelines.

**Question:** How much revenue does Amtrak receive for charter trains and private cars it hauls?

**Answer:** Under the new guidelines, Amtrak revenue from moving charter trains and private cars is estimated to be \$6.9 million annually.

**Question:** Mr. Anderson’s employee advisory of March 28th states that private car and specials train operations “...failed to capture fully allocated profitable margins.” Please explain how Amtrak made this determination.

**Answer:** Amtrak compares revenues received from customers to fully allocated costs modeled for the operation of each charter.

## APPENDIX

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QUESTION FROM HON. DONALD M. PAYNE, JR., TO DENNIS NEWMAN, EXECUTIVE VICE PRESIDENT OF STRATEGY, PLANNING, AND ACCESSIBILITY, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Can you describe the significance of the proceeding pending before the STB to restore Amtrak's Gulf Coast service?

*ANSWER.* The STB's decision in the Gulf Coast case will have a major impact on whether Amtrak, USDOT and our state partners will be able to carry out Congress' direction, reflected in the Infrastructure Investment and Jobs Act (IIJA), to significantly expand Amtrak service. In order to do that, Amtrak must be able to restore or add additional routes and trains on host railroad-owned lines, without unreasonable delay or inordinate demands for capital investments, as Congress intended when it enacted the "Additional Trains" provision of the Rail Passenger Service Act (49 U.S.C. 24308(e)).

QUESTIONS FROM HON. ERIC A. "RICK" CRAWFORD TO DENNIS NEWMAN, EXECUTIVE VICE PRESIDENT OF STRATEGY, PLANNING, AND ACCESSIBILITY, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Please identify and explain any concerns Amtrak has about reciprocal switching.

*ANSWER.* While it is possible that increases in reciprocal switching could affect rail network congestion, we believe that the current Surface Transportation Board is cognizant of this issue and do not anticipate that it would adopt policy changes that would negatively impact the rail network. Other factors, such as the failure of some host railroads to fulfill their statutory obligations to give Amtrak trains preference over freight and to allow operation of additional Amtrak trains, and operational changes (such as operating freight trains too long to fit in sidings on single track lines) made by some freight railroads in recent years to implement so-called "Precision Scheduled Railroading," have had a much greater impact on rail network congestion and the performance of Amtrak trains than we anticipate might result from any changes in reciprocal switching policies.

*Question 2.* Does Amtrak have any advice for the Surface Transportation Board (STB) when it comes to finalizing the 2016 proposed reciprocal switching rule or abandoning the rule altogether?

*ANSWER.* No. We believe that the current Surface Transportation Board is well equipped to address this issue.

*Question 3.* Is it possible for reciprocal switching to potentially cause track congestion and service disruptions that would impact on time performance for Amtrak's trains?

*ANSWER.* Please see response to Rep. Crawford's question 1 above.

*Question 4.* What percentage of Amtrak's ridership prior to COVID was tied to state supported services versus the National Network and the Northeast Corridor? What portion of ridership has returned?

*ANSWER.* State supported services accounted for 47.5% of Amtrak's systemwide ridership in FY19, the last full fiscal year before COVID. As of March 2022, ridership on state supported services is at 77.6% of pre-COVID levels (vs March FY19), and systemwide ridership is at 81.9% of pre-COVID.

*Question 5.* How does Amtrak work with its freight partners when it wants to establish a new service?

*ANSWER.* When Amtrak proposes to operate new or expanded passenger rail service on a host railroad, it notifies the railroad. The host and Amtrak thereafter engage in discussions regarding the proposed operation. If Amtrak and the host cannot

reach agreement, we seek to resolve differences under the terms of our operating agreement or at the Surface Transportation Board. Recent examples of agreements for new services between Amtrak (or Amtrak and a state partner) and host railroads include the agreements for additional frequencies between Chicago, IL and Milwaukee, WI and Chicago and St. Paul, MN, and new service between New Orleans and Baton Rouge, with Canadian Pacific, and with CSX and the Commonwealth of Virginia for major increases in service between Washington and Richmond and elsewhere in Virginia.

*Question 6.* Recently the Governor of Pennsylvania announced an agreement between Amtrak and Norfolk Southern on expanding passenger rail in the state. Please explain the agreement and specifically indicate whether it will require infrastructure investment and whether Pennsylvania utilized a study to assess current and future capacity needs.

*ANSWER.* The recently announced agreement to expand passenger service in Pennsylvania is between Norfolk Southern and the Commonwealth's Department of Transportation, not Amtrak. Public reports indicate that the Commonwealth will invest nearly \$171 million dollars in specific NS infrastructure. Amtrak was not involved in any capacity studies that may have been performed.

*Question 7.* Occasionally Congressional members reference the agreement between CSX, Virginia, and Amtrak as an example of what can be accomplished when all parties work together. Did this effort require an assessment or a study on capacity?

*ANSWER.* The agreement among CSX, Amtrak and the Commonwealth of Virginia is part of a \$3.7 billion investment that includes construction of a new bridge across the Potomac River; Virginia's purchase of 350 miles of right-of-way and 225 miles of track from CSX; and construction of additional track that will allow near hourly Amtrak service between Washington and Richmond; increased service between Richmond and Petersburg and Newport News; and a 75% increase in Virginia Railway Express Fredericksburg Line service. Capacity was assessed as part of the planning for that investment before Amtrak became involved.

*Question 8.* Canadian Pacific recently announced it would work with state and local governments, Amtrak, and other interested parties to restore service between New Orleans and Baton Rouge, Louisiana. State level opposition to investing in infrastructure upgrades stymied these plans in the past. What changed and who will pay for infrastructure upgrades?

*ANSWER.* While we defer to our partners in Louisiana state and local government to speak authoritatively to their position on this service, it is our understanding that Louisiana's current governor, John Bel Edwards, is a strong supporter of the service.

A combination of federal grant funding, such as grants included in ILJA (e.g. Federal-State Partnership for Intercity Passenger Rail and Restoration Enhancement Grant program funds), and state and local funds will likely be used to make any necessary infrastructure upgrades.

*Question 9.* Who pays for the infrastructure required when a new service is established? Can a new service can be established without further infrastructure investment? Please explain how Amtrak considers the needs of the current users when establishing new services. Please provide specific methodologies and examples.

*ANSWER.* New service can be established without infrastructure investment where there will be no unreasonable impairment of freight transportation of the rail carrier. Whether additional infrastructure should be considered to support operation of a new or expanded Amtrak service depends upon many factors. The cost of any infrastructure that Amtrak, its state partners, and the rail carrier agree on has typically been funded by the Amtrak state partner that proposed the new or expanded service and/or federal grants; in some cases, Amtrak has also provided or committed funding. Under federal law (49 U.S.C. § 24308(e)), the host railroad has the burden of demonstrating that the additional Amtrak trains would impair unreasonably its freight transportation, and that additional infrastructure may be necessary as a result.

*Question 10.* What is the difference between starting a new service versus restarting a service? Why did Amtrak not reinstate the Gulf Coast line after Hurricane Katrina in 2005? Why the 17-year lag on this route?

*ANSWER.* The differences between starting a new service and restarting a service depend upon the specific services at issue. Amtrak did not reinstate *Sunset Limited* service between New Orleans and Jacksonville/Orlando following Hurricane Katrina because the hurricane damaged Amtrak stations along the Gulf Coast and the service provided by the *Sunset Limited* had ceased to be viable due to extremely poor



on-time performance, attributable primarily to freight train interference, that had eroded ridership, reduced revenues, required significant lengthening of schedules, and increased costs and equipment requirements. Amtrak has been attempting for over a decade to reinstate service on the Gulf Coast line but this proved to be impossible due to the lack of cooperation and agreement by the host railroads.

*Question 11.* In relation to the Gulf Coast route proposal, the proposed trip time is about three hours and 20 minutes and the average speed is less than 50 miles per hour. How competitive is the proposed passenger rail service relative to other transportation modes?

*ANSWER.* Amtrak and our sponsoring state partners believe that this service will be competitive. Train travel is often not the fastest alternative door-to-door, but its inherent safety, comfort, and ability for passengers to relax, work, or eat and drink more comfortably than other modes of travel make it a highly popular alternative. The average speed on many very successful Amtrak corridor services is less than 50 mph. For example, the Pacific Surfliner (2.8 million passengers in FY19); the Capitol Corridor (1.8 million passengers in FY19) and the Downeaster (557,000 passengers in FY19).

*Question 12.* Amtrak Connects US map identifies a vision for state-supported corridors. Do you have a similar vision, or plan to create a vision, for the long-distance, national network?

*ANSWER.* Section 22214 of the Infrastructure Investment and Jobs Act directs the Secretary of Transportation to lead a comprehensive study, to be completed by November 2023, on increasing long distance service. Amtrak plans to participate in and support the DOT study. Decisions regarding expansion of long distance service will be based upon the study's findings and future federal appropriations to Amtrak. Amtrak intends to continue operating its current long distance network into the future subject to ongoing federal appropriations, and has launched a comprehensive effort to develop a proposal for replacing the fleet operating the long distance network leveraging funding opportunities also made possible by the IIJA.

*Question 13.* Amtrak has proposed to introduce four daily trains between New Orleans, Louisiana, and Mobile, Alabama, without any infrastructure. Has Amtrak done any analysis that shows that the proposed passenger trains will consistently meet the Federal Railroad Administration (FRA) on-time performance metrics for intercity passenger trains? Please provide supporting data and analysis.

*ANSWER.* Since federal law (49 U.S.C. 24308(c)) requires that Amtrak trains be given preference over freight transportation, the proposed Amtrak trains will be able to meet the FRA on-time performance metrics for intercity passenger trains if the host railroads give them preference as law requires. There is no requirement that Amtrak affirmatively demonstrate this. Amtrak, the state members of the Southern Rail Commission and the federal government are prepared to invest over \$60 million for infrastructure along the Gulf Coast corridor.

*Question 14.* According to an Amtrak Inspector General report, after Amtrak settled with the Department of Justice (DOJ) for \$2.5 million that Amtrak does not anticipate being in compliance with the American Disabilities Act (ADA) within the new timeline. Is that accurate, and if you miss the timeline again will another taxpayer funded DOJ settlement be needed?

*ANSWER.* The provisions of the DOJ settlement agreement applicable to station compliance will be in effect until December 2030, but the agreement does not establish a specific deadline for completing all stations compliance work. It is theoretically possible for DOJ to assert new claims after the expiration of the settlement agreement, but that is highly unlikely.

*Question 15.* Will Amtrak keep its commitment to the State of Nevada, the County and the City of Elko, and Amtrak's passengers on the California Zephyr, which connects San Francisco to Chicago, and complete the station safety improvements agreed to by Amtrak in its letter dated January 28, 2013, to the City of Elko pursuant to its Accessible Stations Development Program?

*ANSWER.* Yes. Amtrak's ADA Stations Program (ADASP) team is working on designs which are at 90% after a significant period of review by Union Pacific Railroad (UPRR) and finally coming to an agreement. Amtrak has in the meantime contracted with a local transportation company to provide connectivity to both platforms to accommodate customers with a disability.

*Question 16.* Will Amtrak support and update (if necessary) its Memorandum of Understanding between it and the City of West Wendover, Nevada dated February 11, 2015, to provide passenger service for the city along the California Zephyr route

and logistically support the city's design and construction of a new passenger rail station?

**ANSWER.** In 2015, Amtrak agreed to stop at West Wendover, Nevada on the California Zephyr route. Amtrak informed Union Pacific Railroad of our desire to do so, but the project came to a halt when UP informed Amtrak and the city that a station track would be required to avoid Amtrak stopping on the mainline. This was an unusual demand since Amtrak trains routinely stop at passenger stations on host railroad mainlines, but UP insisted. This significant additional cost changed the financial characteristics of the project. Amtrak continues to support this project and will connect with the city manager of West Wendover and UP to determine whether the parties' positions have changed since 2015. Amtrak will work with the city to review and update the MOU as necessary and discuss station/platform design.

**Question 17.** Should Amtrak ensure that a state funding partner supports appealing to the STB for host railroad on-time performance relief before seeking formal action? If not, why? Outside of STB action, are there other options available to both Amtrak and state partners to work with host railroads on on-time performance related issues?

**ANSWER.** The statute gives multiple parties the right to go to the Board, including entities for which Amtrak operates intercity passenger rail. While Amtrak has the independent right to bring a case to the STB regarding State-supported service, we would always consult with and seek the input of our partners before filing an action under 213.

Going to the STB is a last resort, and we believe that direct negotiations with the railroads and targeted investments to improve train movement in certain areas is a good course of action that can improve on-time performance.

QUESTIONS FROM HON. JESÚS G. "CHUY" GARCÍA TO DENNIS NEWMAN, EXECUTIVE VICE PRESIDENT OF STRATEGY, PLANNING, AND ACCESSIBILITY, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

**Question 1.** Mr. Newman, what will be the impact to intercity passenger rail and our ability to spend the \$66 billion from the Infrastructure Investment and Jobs Act (IIJA) to expand passenger rail services if Amtrak does not win the current case at the Surface Transportation Board on the Gulf Coast rail service?

**ANSWER.** The Gulf Coast case is the first time the STB has been asked to resolve the issue of Amtrak's right to expand intercity passenger service free from unreasonable delay and inordinate demands by the host railroads. In order for Amtrak, USDOT and our state partners to carry out Congress' direction, reflected in the Infrastructure Investment and Jobs Act (IIJA), to significantly expand Amtrak service, there must be a remedy available when an amicable resolution cannot be reached with the host railroads.

**Question 2.** Mr. Newman, it has taken over a decade to get to this point on restoring the Gulf Coast rail service after its suspension following Hurricane Katrina in 2005. That timeline follows multiple Congressional directives to restore the Gulf Coast Rail service, including the creation of the Gulf Coast Working group that included the two host freight railroads.

What steps can Congress take to shorten the negotiating process of restoring passenger rail service between Amtrak and the freight railroads when the freight railroads choose to seek to appeal Amtrak's invocation of Amtrak's right to start passenger rail service on a host railroad's tracks?

**ANSWER.** The "Additional Trains" provision of the Rail Passenger Service Act, 49 U.S.C. 24308(e), that authorizes the Surface Transportation Board (STB) to issue orders requiring host railroads to accommodate additional Amtrak trains was intended to allow Amtrak to add or restore service in an expeditious manner without inordinate demands by host railroads for capital investments. Following years of unsuccessful negotiations with host railroads over restoration of Gulf Coast service, Amtrak initiated a proceeding under that provision for the first time last year, seeking an order that would allow Amtrak to restore service between New Orleans and Mobile. After the STB issues its decision in that proceeding, we will advise the Subcommittee whether we believe legislative action is necessary to effectuate Congress' intent.

QUESTION FROM HON. JESÚS G. "CHUY" GARCÍA TO DENNIS R. PIERCE, NATIONAL PRESIDENT, BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

**Question 1.** Mr. Pierce, in your testimony you note the harm from Precision Scheduled Railroading to workers, including recent attendance policies implemented by railroads as a result of PSR.

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data management and IT systems are programmed with security in mind (e.g. se-  
cure-by-design) to ensure that redundant privacy and cyber security systems are in  
place to respond to breaches if and when they occur. In addition, it is important that  
government address the issues of poor software design and user error as key factors  
in enabling hacking attempts.

QUESTION FROM HON. PETE STAUBER FOR HON. TIM WALZ

*Question 1:* In addition to highways, ports, airports, and railways, I believe we also must ensure the timely and secure delivery of energy to fuel our economies and to underpin these infrastructure projects we want to pursue. The safe and reliable delivery of energy is a necessary part of promoting critical infrastructure. We must modernize, and where appropriate, replace our aging pipeline infrastructure in Minnesota and across the nation to advance the more efficient and reliable delivery of energy with enhanced environmental protections. What's more, these private investments will have the added benefit of providing good paying jobs and critical tax revenue for our local towns and communities. Can you please comment on the importance of modernizing our pipeline infrastructure specifically in Minnesota and provide us with your thoughts on the benefits these energy infrastructure projects can provide to the state?

*ANSWER.* As our state transitions to a clean-energy economy, it is important for Minnesota to maintain safe and reliable energy infrastructure that meets the current needs of our consumers and businesses. Minnesota currently has numerous pipelines that transport both oil and natural gas and exist as part of our energy infrastructure. As we evaluate new projects that impact our environment, energy supply, and economy, we must follow the process, the law, and the science. It is critically important that pipelines are built and maintained in a way that protect the environment and health of surrounding communities. Our state has a process in place through the Public Utilities Commission to evaluate new projects and ensure that they meet the state's energy needs. Our process has a number of checks and balances, which help ensure that major energy projects are properly vetted. For example, our Department of Commerce's Division of Energy Resources is responsible for representing the interest of consumers during this process. Other state agencies like the Department of Natural Resources and Pollution Control Agency are responsible for permits, licenses, and other approvals in order to protect the state's natural resources and environment. Because pipelines traverse our state, we must work to ensure that state agencies engage in appropriate consultation throughout the process with tribal representatives and local government units.

QUESTIONS FROM HON. ALAN S. LOWENTHAL FOR RICHARD ANDERSON

*Question 1:* Mr. Anderson, I am very concerned with how employees were treated during the closure of the Riverside, California, call center in January. Specifically, it is my understanding that you provided your 500+ employees and their union representatives with only 60 days to negotiate over relocation, severance, and job transfer options. In addition, this 60-day window fell during the hectic holiday season, further complicating negotiations and constraining the ability of employees to make life-changing decisions. What was the impetus behind this sudden announcement and why weren't employees given more lead time than the WARN Act-required minimum?

*ANSWER.* The timing of our announcement was not just due to WARN requirements, but also the requirements of the Collective Bargaining Agreement with the Transportation Communications Union (TCU) which provides for a 60-day notice. We worked as quickly as we could to reach an agreement with the TCU so that the impacted employees at Riverside and in the California seniority district knew their options upon closure. Additionally, we continued to work with the TCU and employees to address individual circumstances as we could upon closure. Amtrak had 90 TCU-represented employees elect to relocate to the Philadelphia facility from California.

When Amtrak informed the TCU of its plan to use a contractor to handle overflow calls, there was no commitment made that the current facilities in Philadelphia and, at that time, Riverside, would not be consolidated. Rather, the response was that

such a move was not part of the plan at that time, but that we would continue to review our options to maximize customer service and efficiencies.

*Introduction to Question 2:* Amtrak served the Transportation Communications Union notice in February of 2018 that the company intended to use a contractor in Florida to perform call center work, but in talks with employees and union representatives your managers assured them that neither of Amtrak's existing facilities would close. Some of your supervisors were even sent to Florida to train their replacements.

*Question 2a.* What—if anything—changed between February and November of last year that prompted the closure, and could you have provided employees with additional notice?

*ANSWER.* Amtrak is charged with being an efficient steward of public funds and part of that responsibility compels us to look at what costs (such as maintenance and operations of a facility) can be reduced. This is what Congress has told us to work towards in our statutory mission and goals. Coupled with the continued preference of our customers to use self-service options such as Amtrak.com and our mobile app, the consolidation of the two centers was deemed an excellent opportunity to continue progress in the direction that Congress has mandated. Every Riverside agreement employee was offered a position to relocate to Philadelphia.

*Question 2b.* In general, not just regarding the Riverside facility, is it your intention to circumvent unionized employees by shifting their work to outside contractors?

*ANSWER.* Amtrak's use of contractors, in the past, present and future, has never been to circumvent unionized employees. In fact, some of our contractors also have unionized work forces. Rather, the use of contractors is about efficiency—effective use of public monies—and staying focused on our mission. For example, we are a service transportation provider, not a catering company. We should leverage experts in hospitality to improve our overall customer service. Additionally, Amtrak will comply with the law—no employees are furloughed as a result of contracting work.

#### QUESTION FROM HON. SCOTT PERRY FOR RICHARD ANDERSON

*Question 1.* Another significant cost driver is federal requirements that drive up labor costs. The prevailing wage law hasn't been changed since 1935; the threshold is \$2,000—since 1935. As a result of this law, it is estimated that the average wage is 22 percent higher than the actual market rate so the term "prevailing" is a bit of a misnomer. Reasonable people can and do disagree on the extent of the law's inflationary effect, but it's difficult to deny that the result is above-market wage rates. After all, the purpose of the law is to isolate labor costs from competition—the very mechanism that sets the market price of any good or service—through the imposition of government mandated wage rates; prohibiting those willing and able to do the work for less from offering lower cost alternatives. Since labor costs make up around 50 percent of total construction costs, the law's requirements tend to inflate total project costs by anywhere from 7 to nearly 10 percent. What role have these artificially inflated costs played in the degradation of our infrastructure?

*ANSWER.* The degradation of infrastructure is a rapidly growing problem in America, and while labor costs play a part in the increasing funding required to address this issue, the growing cost of labor is not a major factor. The larger issue is the fact that so much of our transportation infrastructure was put in place during the same era, and the useful life(s) are expiring near the same time. Additionally, with so much work needing to be done in such a short period of time, the prioritization of limited resources (financial resources and human resources) will be a challenge.

#### QUESTION FROM HON. SCOTT PERRY FOR HON. ERIC K. FANNING

*Question 1.* Another significant cost driver is federal requirements that drive up labor costs. The prevailing wage law hasn't been changed since 1935; the threshold is \$2,000—since 1935. As a result of this law, it is estimated that the average wage is 22 percent higher than the actual market rate so the term "prevailing" is a bit of a misnomer. Reasonable people can and do disagree on the extent of the law's inflationary effect, but it's difficult to deny that the result is above-market wage rates. After all, the purpose of the law is to isolate labor costs from competition—the very mechanism that sets the market price of any good or service—through the imposition of government mandated wage rates; prohibiting those willing and able to do the work for less from offering lower cost alternatives. Since labor costs make up around 50 percent of total construction costs, the law's requirements tend to inflate total project costs by anywhere from 7 to nearly 10 percent. What role have these artificially inflated costs played in the degradation of our infrastructure?

**"Oversight of Positive Train Control Implementation in the United States"**

Thursday, February 15, 2018, 10:00 a.m.

2167 Rayburn House Office Building

Washington, D.C.

**Responses to Questions for the Record from Richard Anderson,**

**President & CEO, Amtrak**

*Submitted on behalf of Subcommittee Chairman Jeff Denham (CA-10)*

1. *If no further guidance from the Federal Rail Administration (FRA) is provided, can you describe the factors involved in the decision making of whether to operate on an inoperable host track after the deadline? If the track is not compliant with the law, we will not operate. If the railroad is granted an alternative schedule by the FRA (extension), we will do a risk assessment to see if we feel we can operate safely or if we have to mitigate any risks before we would choose to operate. We also may not choose to operate.*
  - *Have you asked any of your host railroads to file Main Track Exclusion requests on your behalf? If so, have any been granted? If not, do you still intend to pursue these requests?* We have several Main Train Exclusions that have been requested or granted. This list is included as Attachment 1.
  - *Can you please describe the factors involved in the decision making of whether to allow inoperable tenant rail systems to operate on Amtrak-owned track like the Northeast Corridor (NEC)?* All tenant railroads need to be equipped to operate on the NEC after 12/31/18 to be compliant with the law.
  - *Have any of your tenant rail systems requested Amtrak file a Main Track Exclusion on their behalf?* No tenants have asked Amtrak to file an extension on their behalf.
2. *Where is Amtrak on the development and testing of its back-office server to communicate with the I-ETMS system?* The back office server has been developed and tested. We are currently federated with four of the Class I railroads and have federation scheduled with several additional railroads.
3. *Do you have the resources to test with each railroad at the same time or are you having to prioritize between them?* We have the ability to work with railroads in parallel.
  - *Given each Class I has Amtrak lines in revenue service today, what is your current testing schedule with each Class I?* We are currently testing with several Class I railroads and this will continue through the fall.
  - *What is your current testing schedule with each commuter railroads on the NEC?* Many of the commuter railroads are already operating with PTC in service on the

NEC. For the three commuter railroads that are not operating (LIRR, NJT, and MARC) we are currently working with them to develop the testing schedules.

*Submitted on behalf of Ranking Member Peter DeFazio (OR-04)*

1. *At the hearing you stated with respect to liability and indemnification agreements with host railroads, "The user of the railroad indemnifies the host." Indeed, a 2009 Government Accountability Office report stated that most liability and indemnity provisions assign liability to a particular entity regardless of fault—that is, passenger railroads could be responsible for paying for certain claims associated with accidents caused by a freight railroad, and vice versa. Commuter railroads could also be responsible for paying for certain claims associated with accidents caused by Amtrak, and vice versa.*
  - *How have federal and state courts and the Surface Transportation Board interpreted the contractual liability and indemnity provisions of Amtrak and freight railroad agreements?* As a general matter, courts have upheld the allocation of liability provisions contained in Amtrak's agreements with its hosts (e.g., freight railroads on whose trackage Amtrak operates) and its tenants (e.g., commuter railroads which operate on Amtrak-owned trackage). While some lower courts have at times refused to impose "no-fault" liability, appellate courts have uniformly upheld it as a contractual agreement. See, for example, *O & G Industries, Inc. v. National Railroad Passenger Corporation*, 537 F. 3d 153 (2d Cir. 2008). In a 1998 decision, the Surface Transportation Board declined to impose a pure no-fault liability in a situation where Amtrak and the host railroad could not agree on what liability scheme should apply. The STB held that residual damages arising out of Amtrak operations were incremental (i.e., payable by Amtrak) without regard to fault, subject to an exclusion for the host's gross negligence or willful and wanton misconduct; and that Amtrak had to either indemnify the host railroad, purchase insurance, or both. See, *Application of NRPC under 49 USC 24308(a)*, STB Finance Docket No. 33381, 3 S.T.B. 157 (1998).
  - *With respect to the Cayce, South Carolina accident, please describe the liability and indemnity agreement between Amtrak and CSX. Does the agreement have all or some no-fault provisions, and does it exclude any type of conduct? If it does have exclusions, please also provide information on the exclusions.* The liability arrangement between Amtrak and CSXT is one that is fairly standard in Amtrak's agreements with its host railroads. Each party assumes – on a no-fault basis – liability for (and indemnifies the other party against) injuries to its own employees and passengers, and damages to or destruction of its own property. There are exceptions to this basic rule that address specific fact situations, e.g., CSXT

indemnifies Amtrak if a person at a station is struck by improperly secured cargo on a CSXT freight train, Amtrak indemnifies CSXT for cleaning up fuel oil that is spilled by an Amtrak contractor while fueling an Amtrak train, Amtrak indemnifies CSXT for damages or injuries in connection with a collision of a vehicle or person with an Amtrak train or a collision of a derailed Amtrak train with any person, property or object off of the right of way. There are no exclusions for qualitative issues such as gross negligence, willful, wanton or intentional misconduct, or conduct that might result in the imposition of punitive damages.

- *What date was the liability and indemnity agreement between Amtrak and CSX entered into? When was the last time the agreement was revisited? What changes were made, if any?* The current Amtrak/CSXT Agreement is dated June 1, 1999. The only amendment, executed in 2004, provided that termination would require sixty (60) days' advance notice to the other party. The original agreement required twelve (12) months' advance notice.
- *Please provide a description of each of the agreements between Amtrak and the freight railroads (by freight railroad) and Amtrak and commuter railroads (by commuter railroad), including whether the agreements have some or all no-fault provisions and whether the agreement has any exclusions, such as gross negligence, recklessness, willful and wanton misconduct, intentional misconduct, or conduct so serious that it warranted the imposition of punitive damages. If they do have exclusions, please provide information on the types of exclusions by railroad.* Listed below are the host railroads and commuter agencies with which Amtrak has operating agreements. Most of these agreements allocate liability in a manner that is similar to that in contained in the Amtrak/CSXT operating agreement, i.e., each party assumes liability, and indemnifies the other party on a no-fault basis for injuries to its own employees and passengers and damages to or destruction of its own property. It is important to recognize, however, that the contractual provisions addressing liability and indemnification can be complex, and are typically several pages long, such that the individual agreements must be reviewed and analyzed to determine with precision the terms, provisions, and exclusions.

No.	Operating Agreement (Contain Liability Allocation)
1	Belt Railway of Chicago
2	BNSF Railway Company
3	Buckingham Branch
4	Canadian National - Canada ( <i>Adirondack</i> )
5	Canadian National - US
6	Canadian Pacific - Delaware & Hudson
7	Canadian Pacific - SOO Line
8	Conrail
9	CSX Transportation
10	Denver Union Terminal
11	Florida DOT (SFRTA Corridor)
12	Florida DOT (Sunrail Corridor) (2011)
13	Florida East Coast (Executed, Not active, Not in use)
14	Golden Isles Terminal RR - Savannah
15	Iowa Pacific Holdings (2015, Dormant)
16	Kansas City Terminal
17	Massachusetts DOT (2015, Knowledge Corridor)
18	MBTA (Downeaster)
19	METRA
20	Metro North Hudson Line
21	Metro North New Haven Line
22	Minnesota Commercial
23	New England Central
24	NMDOT
25	Norfolk Southern
26	North County Transit District
27	Pan Am Railways ( <i>Downeaster</i> )
28	Portland Terminal Railroad Company
29	Sound Transit (2017)
30	Southern California Regional Rail Authority
31	Trinity Rail Express (2015)
32	TRRA
33	Union Pacific
34	Vermont Railway



	<b>Liability Allocation Agreements</b>
1	Fort Worth and Western (over TRE)
2	Kansas City Southern (System)
3	Pan Am (on Knowledge Corridor)
4	Tacoma Rail (on Sound Transit)

	<b>On-Amtrak Operating Agreements (Contain Liability Allocation)</b>
1	Canadian Pacific (Hudson Line) (Dormant)
2	Connecticut Southern
3	Conrail On-Corridor (Conrail + CSXT)
4	NS (Conrail) on Amtrak Michigan Line
5	NS On-Corridor
6	Providence and Worcester
7	South Shore (CS&SB on Amtrak Michigan Line)
8	Springfield Terminal (Springfield Line)

	<b>On-Amtrak Operating Agreements with Commuter Agencies</b>
1	Virginia Railway Express
2	MARC (Maryland)
3	Delaware DOT
4	SEPTA
5	New Jersey Transit
6	Long Island Rail Road
7	Metro-North Railroad
8	Shore-Line East (CDOT)
9	MBTA

*What factors influence negotiations of liability and indemnity provisions?*

Multiple factors come into play when negotiating liability and indemnity provisions. Probably the most important is a desire on the part of Amtrak and its hosts and tenants to reduce costs and to avoid fighting among themselves. Both of these can be achieved with a no-fault indemnity scheme. Necessarily, Amtrak has a long-term relationship with its hosts and tenants; these are not agreements to cover a single incident or brief time period. As a result, Amtrak believes it is in its

best interest to avoid, where possible, creating situations where it and its host/tenants are adversarial. The no-fault scheme accomplishes that, while at the same time reducing transaction costs. Like any compromise, one can posit situations where another solution would have better results, but overall, and based on over 45 years' experience, Amtrak believes that no-fault works best for it in its operating agreements with host and tenant railroads.

In addition, the public and Amtrak's passengers are well served by the railroads avoiding liability fights among themselves. For example, in addition to saving substantial legal fees and expenses, this permits the prompt resolution of claims and lawsuits filed by passengers, employees and third parties who are injured. It also avoids finger pointing in governmental investigations conducted by the NTSB and FRA following major accidents. The railroads' excess insurers understand the cost saving advantage of these no-fault arrangements and their underwriting reflects that. Finally, Congress has recognized the wisdom of allowing railroads to apportion liability by enacting subsection (b) of 49 USC 28103, which states that "[a] provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims."

2. In October 2017, the FRA sent a letter to Amtrak stating the "FRA is aware of at least 50 locations along the Northeast Corridor that require the installation of split-point derails under Title 49 CFR § 236.1 007(b)(2). FRA also stated that it expects Amtrak to explain how it will mitigate the consequences of an incursion where the required protection is not present and to provide a detailed schedule of how it will bring these locations into compliance with 49 CFR § 236.1 007(b)(2). In response to FRA's August 31, 2017, letter, Amtrak submitted a September 22, 2017, letter identifying and listing 54 specific locations along the Northeast Corridor where Amtrak will install a split-point derail with a T20 switch machine and electric lock to protect the main line track from unauthorized or unintended entry under 49 CFR § 236.1 007(b)(2). Amtrak stated that these installations will be completed at all 54 locations by December 31, 2018. Amtrak also provided a list of all 54 locations that would require these installations. FRA appreciates that Amtrak is committed to installing the split-point derails by December 31, 2018, as FRA's regulations require. As a condition of FRA's PTC System Certification of Amtrak's ACSES II PTC system, FRA hereby additionally requires Amtrak to demonstrate to FRA that it is taking sufficient action to comply with the requirements under 49 CFR § 236.1 007(b)(2). See 49 CFR § 236.1 004(g)(1). Specifically, FRA is now requiring Amtrak to provide to FRA a quarterly status report on Amtrak's progress installing the required split-point derails with a T20 switch machine and electric locks at the 54 locations specified in Amtrak's September 22, 2017 letter.

- *What is Amtrak's status on installing the required split-point derails with a T20 switch machine and electric locks at the 54 locations specified in the letter?* 29% of the derail locations are complete.
  - *What is Amtrak's plan to install the remaining derails?* All the derail locations will be completed by the end of 4<sup>th</sup> quarter 2018.
3. *Given your experience in the airline industry, what are some of the differences in how the airline industry addresses safety in comparison to the rail industry?*
- There are several significant items that define the difference between rail and aviation safety systems.
- a. First, aviation has made significant technology investments in areas of overall system control (Air traffic management), installed aircraft safety technology (Collision avoidance and ground proximity warning systems on every aircraft).
  - b. Second, the aviation system is essentially standard throughout the country. Every airport uses the same runway markings and the airspace management systems are consistent everywhere. A pilot only needs to know one system. In the railroad, our engineers must be knowledgeable in many different host railroad signal systems and rules.
  - c. Finally, the aviation system has already mandated and implemented a well thought out safety management system that was years in development. This is also an international standard.
  - d. Airlines are required to have mature equipment reliability and internal evaluation (critical self-assessment) systems. These requirements do not exist in the railroad system.
4. *You mentioned at the hearing, "We need to move to full simulation, instead of training people out on the railroad to move to the aviation model, and to basically operated the way an airline operates, with a standardized quality assurance training and standards organization." Can you explain that further?* Aviation safety systems utilize a sophisticated pilot training program protocol, both for initial and recurrent training, that relies on FAA certified instructor pilots, routine check flights by qualified check airman, and annual recurrent training that is skill- and need-driven. The railroads typically follow routine refresher training which is the same for everyone. One of the key differences in the recurrent training is the use of advanced simulation in aviation. Simulators allow pilots to practice, until perfection, complicated skills in all types of weather and flying conditions. In today's railroad, engineers are expected to be route qualified and to memorize significant physical characteristics. This occurs during actual train operations. There is no reason that this could not largely be done through simulation allowing for more efficient overall training and qualification procedures.

5. *You stated that you are standing up an aviation SMS system today at Amtrak. Can you describe that?*

The FRA has mandated, and stayed, the rule to implement a System Safety Program. As noted in the preamble to the rule this is essentially similar to the Safety Management System that the FAA has mandated. SSP and SMS programs include the same four basic pillars:

- a. Safety Policy – The policies and procedures the company follows to ensure operations are safe. Implementation of the policy also helps define the company's safety culture.
- b. Risk Management – The hazard identification and risk mitigation process
- c. Safety Assurance – The system monitoring and quality assurance function
- d. Safety promotion – The education and training programs that support the intended safety culture

*Submitted on behalf of Congressman John Faso (NY-19)*

1. *Mr. Anderson, in your testimony you reference that Amtrak has over 200 miles of dark territory located on its routes in New York, Vermont, Indiana, Maine, and Quebec. Could you please detail where dark territory miles are located on these routes? What are the risks associated with dark territory? What does Amtrak plan to do to reduce risks associated with dark territory segments? (FASO)*

The dark territory is located:

- 1. Whitehall, NY – Rutland, VT (22 miles)
  - 2. East Northfield, MA – Brattleboro, VT (11 miles)
  - 3. North White River, VT – St. Albans, VT (117 miles)
  - 4. Crawfordsville, IN – Indianapolis, IN (33 miles)
- Amtrak will perform a risk assessment to see if we feel we can operate safely or if we have to mitigate any risks before we would choose to operate. We also may not choose to operate. (Note this adds up to 183 miles. There is an additional 56-mile possible future extension to the Downeaster service between Brunswick and Rockland, ME that we currently do not operate that would put this total over 200 miles).

*Submitted by Subcommittee Ranking Member Michael Capuano (MA-07) on behalf of Congressman Denny Heck (WA-10)*

*Section 11406 of the Fixing America's Surface Transportation Act (P.L. 114-94, FAST Act) requires each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation to survey its entire system and identify each curve, bridge, or tunnel requiring a reduction of more than 20 miles per hour from the approach speed and submit an action plan detailing steps the railroad will take to enhance safety at those locations. Has*

*Amtrak submitted any speed limit action plans to the United States Department of Transportation for review and approval, as required by law?*

Yes, we submitted the information required on July 2, 2016 and the plan was accepted by the FRA on September 28, 2016. The plans contain a massive amount of detail and are not copied here. I did add the FRA approval letter.

## Attachment 1: MTEA Candidates on Amtrak Routes as of March 13, 2018

Amtrak Service	Segment	Start	End	Total	Host	MTEA Type
Southeast Chief	Isleto to Dallas	12.6	27.4	14.8		
	Dodge City to Las Animas Jct	353.5	534.6	181.1		
	Lafayette to Lafayette (on BNSF)	554.9	634.0	79.1	BNSF	Limited Operations Exception
	Lafayette to Madrid (NMIX)	834.0	856.0	22.0		
				499.0		
Vermonter	Barre Subdivision (Windsor and St. Albans, VT)	9.0	133.0	132.0		
	Palmer Subdivision (New London, MA and Windsor, VT)	120.5	169.4	58.9	NECR	Limited Operations Exception
				190.9		
Coast Starlight	Newark to Elmhurst (Coast Subdivision) (Starlight only)	43.5	31.0	12.5		
	Elmhurst to San Luis Obispo	77.0	248.5	171.5	UP	Limited Operations Exception
				189.0		
California Zephyr	Grand Junction to Montez (Green River Subdivision)	452.0	603.9	151.9	UP	Limited Operations Exception
				151.9		
Cardinal	Orange – Gordonsville, Va.	9.0	9.1	0.1	Hickingham Branch	Limited Operations
	Gordonsville – Clifton Forge, Va.	160.4	276.1	115.7	Amtrak	Exception
				124.8		
Texas Eagle	Cadet to Poplar Bluff (DeSoto Subdivision)	56.5	165.7	109.2	UP	Limited Operations Exception
				109.2		
Downeaster	Brunswick Branch (Yarmouth to Brunswick)	0.0	16.2	16.2		
	Freight Main Line Track State Line (Hallow, N.H. to Portland, Me)	196.7	274.7	77.9	Pan Am	Limited Operations Exception
	Freight Main Line (Portland, Me. to Yarmouth)	184.4	196.7	12.3		
	Boston Terminal/North Station	0.0	0.8	0.8		Passenger Terminal Exception
	Mountain Branch	1.2	1.9	0.8	MBTA	Limited Operations Exception
				108.0		
Vermonter, Springfield Routes	Connecticut River Main Line (East Northfield to Springfield, Vt. only)	0.0	49.0	49.0	Pan Am	Limited Operations Exception
				49.0		
Ethan Allen	Rutland Running Track	34.1	55.0	0.9		
	Northern Subdivision (Rutland Yard Limits)	35.0	55.9	0.9	Vermont Railway	Limited Operations Exception
	Whiteshall, N.Y. – Rutland, Vt.	77.5	99.8	22.3		
				24.1		
Lake Shore Limited	Post Road Branch	187.5	199.5	12.0	Amtrak	Limited Operations Exception
				12.0		
Wolverine	Townline to Vinewood	2.5	7.4	4.9	Central	Limited Operations Exception
				4.9		
Empire Builder	MP 0.0 – 1.6 (Main Running Track, E3 Track, and MNVR Main Industrial Loop)	0.0	1.4	1.4	Minnesota Commercial	Limited Operations Exception
Various	New Orleans Terminal (West Conn)	0.0	3.7	3.7		
	New Orleans Terminal (East Conn)	2.3	3.8	1.6		
	Virginia Avenue Tunnel	136.5	137.1	0.6		
	Chicago Terminal (South)	0.0	0.7	0.7		
	Boston Terminal/ South Station	228.0	228.7	0.7		
	Harrisburg Station	194.6	195.2	0.6	Amtrak	Passenger Terminal Exception
	Chicago Terminal (North)	0.0	0.6	0.6		
	Springfield Station	61.7	62.0	0.3		
				0.3		
				135.7		
				136.0		
				1		
				9.9		
Total Miles				1,474.0		

These mileage figures may not add properly due to rounding.

## APPENDIX

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QUESTIONS FROM HON. DONALD M. PAYNE, JR. ON BEHALF OF HON. EDDIE BERNICE JOHNSON TO STEPHEN GARDNER, PRESIDENT, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* As you mentioned in your written testimony for today's hearing, the IIJA will allow Amtrak to modernize Amtrak's NEC and National Network assets and "set in motion the expansion and improvement of our network to cities and smaller communities that are underserved, or not served at all, by Amtrak today."

I agree with your statement and would like to discuss the proposed I-20 Corridor long distance passenger rail connection, that would connect the greater Dallas/Fort Worth area with the greater Atlanta area, and the smaller, rural communities in between, who are currently without Amtrak service.

Given that the track and right of way for the proposed I-20 Corridor long distance passenger rail connection already exists, and since Amtrak's study of this long-distance route has determined that the route will be economically viable and would require a relatively small investment from the IIJA's \$16 billion allocation for long-distance routes to produce an excellent return on investment, is Amtrak taking any steps to move this project forward?

*ANSWER.* Amtrak is also very interested in the possibilities of linking the greater Dallas/Fort Worth area with the greater Atlanta area and the communities in between. Part of the IIJA's \$16 billion in funding referenced in the question is for the purpose of acquiring additional long-distance locomotives and cars which could be used to support this new route. Amtrak has begun identifying how much additional long-distance equipment would be required to support its future long-distance network, and is considering the Dallas/Fort Worth route as part of that analysis. Section 22214 of Division B of the IIJA directs the U.S. Department of Transportation (USDOT) to undertake a comprehensive study in consultation with Amtrak and other stakeholders of adding long-distance routes to Amtrak's network. Amtrak will support and participate in the study.

*Question 2.* As you are aware, Congress will be examining Amtrak's performance to justify current spending levels and consider additional funding to improve service to the American public. Thus, establishing metrics or performance standards is going to be critical to subsequent assessments of funding needs.

- a. Would Amtrak agree to provide the Federal Railroad Administration (FRA) and Surface Transportation Board (STB) with quarterly reports on how it is accomplishing the goals as outlined in your testimony?
- b. Will there be an assigned point person or group within Amtrak that will have specific accountability for tracking progress, noting exceptions, and outlining how exceptions will be corrected for the attainment of critical goals, including updates for on-time performance?

*ANSWER to a. & b.* There are several directives and reporting requirements included in the IIJA, and Amtrak is actively working to implement the law and ensure compliance. Amtrak's Government Affairs department is charged with tracking IIJA implementation and has regular meetings with department heads and key personnel to ensure the company is in compliance and/or can provide a required deliverable by a statutory deadline. In addition, Amtrak has formed an IIJA Compliance team within its Finance Department to ensure compliance with all financial components. The team is being led by Amtrak's Controller and has participants from Financial Planning & Analysis and Grants Management. The team meets weekly, discusses and documents progress that week, tracks goals and objectives for the next two to four weeks, works closely with Government Affairs to ensure all aspects are considered, and will provide monthly analysis to Amtrak's Chief Financial Officer and periodic reporting to the Audit & Finance Committee of Amtrak's Board of Directors. [This approach was first implemented to ensure financial compliance with COVID emergency relief funding received by Amtrak.] Amtrak would be happy to

provide Congress and the executive branch with periodic updates on ILJA implementation.

QUESTIONS FROM HON. ERIC A. "RICK" CRAWFORD TO STEPHEN GARDNER,  
PRESIDENT, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Given the concerns expressed by the Alabama congressional delegation, the Port of New Orleans, and the Port of Mobile, at a time when the country is experiencing supply chain issues, why would Amtrak submit a filing with the Surface Transportation Board (STB) that freight rail impacts weren't important in deciding about adding new service, and that infrastructure wouldn't be needed to lessen those impacts?

*ANSWER.* Amtrak has never stated that freight rail impacts "weren't important" in the STB's decision regarding restoring the Gulf Coast service. Rather, Amtrak believes that the STB should apply the statute as written, which requires a showing that the restored service "would impair unreasonably the freight transportation of the rail carrier."

The concerns expressed by the Alabama congressional delegation in early spring 2021 centered on the need for what Sen. Shelby called a "comprehensive analysis" of the impact that the proposed service would have on freight transportation. Amtrak has always agreed that a comprehensive analysis would be useful, but that was not possible given the host railroads' refusal to share pertinent data, inputs, and assumptions. Moreover, the STB, while recognizing the concerns expressed, assured interested stakeholders that the proceeding "will provide a forum to assess precisely the matter of concern to Alabama state officials and others, i.e., whether the additional train operations will unreasonably impair freight transportation." The parties have now filed their respective data and analyses, and we are confident that the Board has the information necessary to analyze the impact of the proposed service on the freight transportation of CSX and NS.

With respect to the Ports of Mobile and New Orleans, they are not rail carriers over whom Amtrak proposed to run additional service, and so their concerns are not within the ambit of Amtrak's statutory rights. In any event, we note that regardless of supply chain issues that may exist elsewhere, in 2021 the Port of Mobile experienced "minimal to no congestion, no vessel delays at anchor, and posted vessel-to-rail turn times within 24 hours." (<https://www.maritimeprofessional.com/news/port-mobile-posts-record-container-373313> (accessed 1/11/22)). Similarly, the Port of New Orleans—which has advised the Board that it is "not fundamentally against" initiation of the Gulf Coast service—"has not experienced backlogs and the congestion that other major ports have experienced this year [2021]." (<https://www.portnola.com/info/news-media/port-record> (accessed 1/11/22)).

*Question 2.* You have said that the Gulf Coast service would return by January 1, 2022, but freight railroads are preventing that from happening. Yet, there are stations along the line that need renovations and received federal grants to perform restoration, but no work has begun on any of them. What is causing the delay of these renovations and when will work begin?

*ANSWER.* The reactivation of the Gulf Coast route for passenger rail service includes five stations that will need improvements: Bay St. Louis, MS; Biloxi, MS; Gulfport, MS; Pascagoula, MS and Mobile, AL. This work is needed due to deterioration of unmaintained infrastructure and newer federal guidance enacted since 2005 requiring platforms to conform with the ADA prior to passenger use.

Grant funding was made available to the Southern Rail Commission for Gulf Coast station improvements. However, after a detailed determination of work required, Amtrak proposed, and the FRA accepted, a split to the necessary work. Amtrak would take on platform improvements within the railroad right-of-way, and the Southern Rail Commission and the local communities would perform any needed station and site improvements in a parallel manner.

The legacy platforms are not ADA compliant. Thus, to start, Amtrak needed to develop a temporary solution that will allow for the quick resumption of service and ADA compliant boarding from the legacy platforms and during the construction phase to the permanent platforms to be built in the next phase. Further, the project timing has also been hampered by delays in contractor and resource availability already stretched thin by supply chain impacts, COVID worker outages and labor shortages. These impacts have been exacerbated by Hurricane Ida and reconstruction efforts diverting contractor labor and resources.

Amtrak has completed detailed inspections, developed temporary boarding pads designs to allow for ADA compliant boarding, obtained host railroad, environmental, and historic resources approvals, and issued bid documentation for construction.



Amtrak has received bids from interested contractors and expects to award the work in early 2022.

*Question 3.* When Amtrak looks at adding new service or additional trains, what analysis does it perform and what infrastructure responsibilities does Amtrak have to make sure railroads would be able to meet on time performance obligations?

*ANSWER.* When adding new service or additional trains, Amtrak works with its state funding partners to plan the route, the schedule, and the stations stops. Based on this desired level of service, Amtrak and/or its state partners then work with the host railroads to determine if capital investments are necessary for the host to operate the Amtrak trains reliably on the proposed schedules. Amtrak offers performance incentives to hosts to meet the agreed-upon schedules, and Amtrak now also has a new process to involve the U.S. Surface Transportation Board when hosts fail to provide at least 80% on-time performance for Amtrak customers on the agreed schedules.

*Question 4.* When Amtrak conducts studies on the Northeast Corridor, does it use rail traffic controller (RTC) modeling and how important is it to Amtrak to ensure additional or new service can meet on time performance?

*ANSWER.* Rail Traffic Controller (RTC) is a software program used by all major U.S. railroads including Amtrak and is an important simulation tool used to model portions of a rail network. It can predict actual run times between two points taking into account the interactions of trains with each other on that network. RTC can estimate the schedule impacts associated with (i) proposed changes in infrastructure (RTC tests infrastructure changes but does not recommend or optimize them), or (ii) new service introductions. Programming, running, and interpreting RTC modeling scenarios can be a complex task, so Amtrak does not run an RTC simulation for every issue or alternative. On-time performance is very important to Amtrak in any new or existing service.

*Question 5.* Will Amtrak review any information regarding need and demand for the new proposed routes to ensure that the services will have adequate ridership and profitability?

*ANSWER.* When planning state-supported routes with its state partners, Amtrak and the state agree on the proposed route, schedule, and stations stops. Amtrak then estimates the ridership and operating revenues and costs. Normally operating revenues do not cover operating costs, and it is up to the state to determine whether the anticipated ridership and utility for the public justify the state funding its share of the revenue shortfall to allow Amtrak to operate the service.

Section 22214 of Division B of the IIJA directs the U.S. Department of Transportation (USDOT) to undertake a comprehensive study, in consultation with Amtrak and other stakeholders of adding long distance routes to Amtrak's network. Amtrak will support and participate in the study. Projected ridership and financial performance are among the factors that the study is required to consider.

Profitability is not one of Amtrak's statutory goals, as Congress clarified in a 1978 statutory amendment. Rather, Congress has directed Amtrak in the IIJA to use its best business judgment to maximize the benefits of the federal funding it receives. None of the services Amtrak operates is profitable. That is not surprising since Congress created Amtrak to relieve private railroads of their obligation to operate intercity passenger rail services, all of which were incurring large losses, and virtually all passenger rail services around the world are dependent upon public funding for continued operation. Like the other transportation modes that also receive federal funding, intercity passenger rail service offers "public good" benefits to customers and communities served that are not directly captured in Amtrak's financial performance but that are important to consider. Individual economic opportunity, business competitiveness, and community quality of life are all strengthened by the availability of intercity passenger rail service. These benefits support small urban, large metropolitan, and rural communities alike, and we look forward to communities across the country experiencing these benefits as a result of the IIJA.

*Question 6.* In November, Amtrak received funds under the Infrastructure Investment and Jobs Act (IIJA). Please provide the Subcommittee, citing specific examples, Amtrak's plans for how it will divide and spend the money it received under this bill.

*ANSWER.* As you know, the Infrastructure Investment and Jobs Act (IIJA) directed the Secretary of Transportation to submit to Congress a detailed spend plan for Amtrak's IIJA funds by May 15, 2022. Amtrak is actively working in a collaborative manner to develop this detailed capital plan with the Federal Railroad Administration (FRA). While the spend plan is not yet complete, Amtrak anticipates that its IIJA Northeast Corridor and National Network grant funds will support a number

of capital projects for the purpose of eliminating the backlog of obsolete assets and Amtrak's deferred maintenance backlog of rolling stock, facilities, stations, and infrastructure. Such investment will likely support the procurement of new intercity train sets for *Northeast Regional* service, various state-supported routes, and the *Palmetto* long-distance train; the procurement of new locomotives and passenger cars for long-distance service; the investment in NEC capital renewal work above Amtrak's baseline capital charge (BCC) obligation; advancing various ADA improvements and major station projects both on the Corridor and across the National Network; and investment to reduce Amtrak's national rail transportation system asset backlog, among other critical capital projects.

In addition to these Amtrak capital projects, it is important to remember that of the IIJA funding appropriated to Amtrak, the FRA can set aside at least \$250,000,000 for the FRA Restoration and Enhancement Grant program and up to \$110,000,000 for FRA oversight and grant administration; up to \$25,000,000 for the Northeast Corridor Commission (NECC); up to \$15,000,000 for the State-Amtrak Intercity Passenger Rail Committee (SAIPRC); \$15,000,000 for a new FRA Interstate Rail Compact Grants program; and "such sums as are necessary"—perhaps another \$15,000,000—for a long-distance service study that the Secretary of Transportation is required to conduct. Once the FRA finalizes and transmits the detailed spend plan to Congress, Amtrak would be happy to further discuss the plan with you and your staff and brief you on any of the specific projects we plan to advance. We are confident these IIJA investments will improve intercity passenger rail across the nation.

**Question 7.** Completing the proposed expansion of service in Amtrak's Connects US will cost more than the funding appropriated in the IIJA, correct?

- a. Does Amtrak have an estimate of the total cost to fully implement all proposed route expansions, including funding for improvements to tracks, signals, and stations? If so, please provide the estimate.
- b. Have you projected how much Amtrak's annual operating deficit would be increased if you complete the proposed expansions? If so, please provide the projections.

**ANSWER to 7, a., & b.** The capital investments associated with proposed expansion of service in Amtrak Connects US will cost more than the funding appropriated in the IIJA: (Amtrak estimates the total capital costs of adding all of the routes and services in Amtrak Connects US to be approximately \$75 billion in 2021 dollars over the projected 15-year timeline). The expansions are all for state-supported routes for which operating costs not covered by revenues would be funded primarily by states in accordance with PRIIA Section 209. The IIJA provides funding to the U.S. Department of Transportation for Restoration and Enhancement grants that could be used by states to cover a portion of the operating costs of new routes and services during the first six years of operation. The financial impact of the additional services on Amtrak's operating costs and revenues will depend upon many factors that are currently unknown, including future changes in the Section 209 methodology, which additional services are implemented and when, levels of future federal funding provided for investments in intercity passenger rail, and future growth in demand for intercity passenger rail service, and have not been calculated.

**Question 8.** Will you commit to working with the freight railroads before and during any potential route expansion, including providing them sufficient advanced notice of Amtrak's plans and resolving any track sharing and congestion issues in a timely manner?

**ANSWER.** When Amtrak released the Amtrak Connects US vision, we reached out to each host railroad individually identifying the routes in that vision that would potentially operate over their owned rail lines. Some of these initiatives may take up to a decade or more to implement. We indicated that as individual route initiatives progressed, we would reach out again, to begin a more robust joint planning effort. In fact, in the only route expansion case currently before the STB, Amtrak worked with the host railroads for over 5 years before looking to the Board for resolution.

**Question 9.** The IIJA outlines a process to update the state-Amtrak cost payment methodology. It also indicates that any "cost impacts" that Amtrak may incur because of the model update may be addressed by future Congressional funding. Does this provision show that the state-supported business unit is currently subsidizing non-state Amtrak operations? What additional costs does Amtrak expect to seek federal funding for because of this update?

**ANSWER.** Under the current cost sharing policy, Amtrak does not charge its state partners fully allocated costs associated with their services. In FY19, the most re-

cent fiscal year before Covid, states paid 93% of fully allocated costs. As such, states are not subsidizing the Amtrak non-state operations. Regarding additional costs where Amtrak may seek federal funding, if a revised Section 209 policy results in changes that would increase federal participation in costs, the increased participation would be focused on expenses where the federal government has a particular interest, such as safety, security or regulatory requirements, or items that can be more efficiently delivered on a national basis rather than on a state-by-state basis.

*Question 10.* Many of the IIJA programs specifically mention the potential for private companies to operate and maintain new or restored intercity rail services. The Passenger Rail Investment and Improvement Act of 2008 outlined a process to ensure that states utilizing third-party providers would maintain access to Amtrak equipment and facilities during a potential transition period. To your knowledge, has this provision ever been tested? Is Amtrak committed to following the law if a state seeks to utilize a private operator?

*ANSWER.* Both prior to and since the enactment of the referenced statutory provision, Section 217 of the Passenger Rail Investment and Improvement Act of 2008, several agreements between Amtrak and its state partners for the operation of Amtrak state-supported services have at the request of states provided for the provision of some services utilized in the ongoing operation of those services, such as food service, equipment and customer information, by third parties other than Amtrak. Because Amtrak has always reached agreement with states regarding such matters, there has never been occasion to invoke the procedures established in Section 217 for the Surface Transportation Board to determine whether Amtrak's provision of services is necessary and, if so, to establish terms. Amtrak has always complied and will continue to comply with laws governing states' use of third parties to provide services for state-supported services.

*Question 11.* What is Amtrak's position on:

a. Compensation to the publicly-operated and/or publicly-funded commuter railroads for their fair share of annual operation costs (cost plus vs. pro-rata)?

*ANSWER.* When Amtrak was created in 1970, it was given access to all rail lines owned by railroads and regional transportation authorities as necessary to fulfill its statutory mission. The provisions governing Amtrak's statutory access rights, codified at 49 U.S.C. 24308, specify that Amtrak is to pay compensation based upon the incremental costs attributable to its operations, with any compensation in excess of incremental costs based upon quality of service. Over time, several rail lines over which Amtrak operates have been acquired by regional transportation authorities operating commuter rail service. On the Northeast Corridor, Section 212 of the Passenger Rail Investment and Improvement Act of 2008, codified at 49 U.S.C. 24905, established the Northeast Corridor Commission on which Amtrak, the Federal Railroad Administration and commuter railroads are represented and required the Commission to develop a cost allocation methodology under which shared costs are apportioned based upon relative usage. Amtrak believes the current statutory provisions for compensating the commuter railroads over which it operates are appropriate, given the unique nature of the Northeast Corridor and given that the commuter authorities over which Amtrak operates outside of the NEC assumed the existing obligations of their private railroad predecessors to provide access to Amtrak when they acquired the rail lines over which Amtrak operates following Amtrak's creation. It should be noted that Amtrak is a tenant operator on NEC segments owned by commuter agencies as well. On the portions of the NEC owned by New York, Connecticut, and Massachusetts, Amtrak operates under the same rules and restrictions as the commuters that operate on Amtrak-owned right of way.

b. Priority of service between Amtrak and scheduled or planned commuter service?

*ANSWER.* Priority of service between Amtrak and commuter rail services operating over the same line that is owned by Amtrak or a commuter railroad is determined through agreement. Amtrak believes this is appropriate and has worked effectively because the mission of both railroads involved is to provide high quality passenger rail service, and it is in their mutual interest to ensure equitable and reasonable prioritization of both parties' passenger trains.

c. Amtrak's ability to force access onto the commuter railroad?

*ANSWER.* While the authority of the Surface Transportation Board (STB) under 49 U.S.C. 24308 to issue orders giving Amtrak access to tracks and facilities extends to rail lines owned by regional transportation authorities, Amtrak and commuter railroads have always reached agreements to allow access to commuter railroad-owned lines for new or additional Amtrak services. (The Interstate Commerce Commission, the STB's predecessor, did resolve one dispute between Amtrak and a com-

muter rail authority over compensation for continued Amtrak operations over the authority's rail lines.) Most Amtrak services on commuter authority-owned lines outside of the Northeast Corridor are state funded. These services provide significant public benefits to residents of the region served by the commuter authority and connectivity for its services, which benefit from additional ridership and revenues contributed by connecting Amtrak passengers.

- d. Forum to adjudicate disputes if Amtrak and the commuter properties can't reach an arm's length agreement?

*ANSWER.* As noted in the response above, the STB has authority, absent agreement, to adjudicate disputes over access to and compensation for Amtrak's use of commuter authority-owned lines, but there has been little need for STB adjudication.

*Question 12.* Does Amtrak believe it has superior statutory rights over commuter railroads as it does over the lines of freight railroads? If yes, explain the grounds for this claim.

- a. Would Amtrak support legislation to establish a statutory scheme for Amtrak and commuter railroads to follow regarding access, which would create a forum such as the STB to adjudicate any disputes should they arise. Please elaborate on whether Amtrak would support or oppose this idea and the rationale behind either item.

*ANSWER to 12 & a.* Amtrak's statutory right to preference over freight transportation (49 U.S.C. 24308(c)) does not give Amtrak trains preference over commuter trains. It does give Amtrak trains operating over commuter-railroad owned lines preference over freight trains operating over those lines.

Amtrak sees no need for statutory changes regarding access issues between Amtrak and commuter railroads, or creation of new forums for litigation. A statutory scheme governing the access rights of Amtrak and commuter railroads already exists, as does a federally-enabled forum to resolve disputes. In addition to its existing authority to adjudicate access and compensation issues regarding Amtrak operations over commuter railroads discussed in the response to question B11, the STB is also empowered under 49 U.S.C. 24903(c)(2) to order continuation of commuter rail operations over Northeast Corridor rail lines owned by Amtrak, and other rail lines acquired by Amtrak pursuant to the Regional Rail Reorganization Act of 1973 and the Railroad Revitalization and Regulatory Reform Act of 1974, and establish compensation terms. Only one dispute has been adjudicated under this provision since it was enacted 46 years ago. Numerous new and expanded commuter rail services on Amtrak-owned rail lines along the Northeast Corridor and in Chicago have been initiated pursuant to agreements between Amtrak and commuter rail authorities: the number of commuter trains operating over the Northeast Corridor has more than doubled since Amtrak acquired ownership in 1976.

*Question 13.* Does Amtrak consider a benefit-cost analysis when determining long-distance service?

*ANSWER.* Amtrak considers both benefits and costs in assessing potential changes in long distance services. We evaluate financial performance and seek to optimize the level of capacity we offer on each route to meet customer demand and maximize revenues and ridership to make best use of available federal funding, within the constraints of our available fleet of equipment. We also appreciate that our long distance services offer "public good" benefits to customers and communities served that are not directly captured in our financial performance but that are important to consider.

Operating revenue shortfalls and capital costs for Amtrak's long distance routes are funded by Congress, which has made the calculation that the benefits of our existing long distance network justify the costs. Section 22210 of Division B of the Infrastructure Investment and Jobs Act (IIJA) provides that Amtrak may not discontinue or substantially alter a long distance route in any fiscal year in which Amtrak receives sufficient federal funding for the route, except in cases of emergency, maintenance, or construction outages affecting the route, or a lack of appropriations. Section 22214 of Division B of the IIJA directs the U.S. Department of Transportation (USDOT) to undertake a comprehensive study in consultation with Amtrak and other stakeholders, to be completed by November 2023, on restoring discontinued long distance routes and adding other long distance routes that will consider both costs and public benefits. Amtrak will support and participate in the USDOT study, and our decisions regarding future changes in long distance routes will reflect the study's findings and future federal appropriations to Amtrak.

*Question 14.* If Amtrak does expand or introduce new services, please provide written assurance that Amtrak will do so in a way that preserves and protects freight performance and capacity for the present and future.

*ANSWER.* As Amtrak progresses new service initiatives, we will endeavor to do so in a way that does not unreasonably interfere with freight transportation, which is the statutory standard. The extent to which freight capacity may be constrained in the future, following the introduction of Amtrak service, is within the control of the freight railroads.

*Question 15.* What is Amtrak's plan to recover from the historic revenue and ridership losses due to the pandemic, and should Amtrak prioritize this recovery before it looks at route expansion?

*ANSWER.* Historically Amtrak relied on business travel for about 30% of demand, with much higher rates (closer to 80%-90% for *Amtrak*) in some regions. With many offices closed, and employees working from home, traditional business travel is greatly reduced, and this pool of demand is not something that can be easily recovered or stimulated. We are however working with major accounts to recover the demand where possible and grow our share for the long term once business travel resumes.

As with the airline industry, we are seeking measures of self-help and stimulating both leisure and "visiting friends and relatives" traffic to replace the missing business demand. This has been achieved through aggressive pricing, targeted advertising campaigns and creative marketing. We have seen substantial success with this and achieved similar levels of pre-Covid demand recovery as the airlines have. We base this conclusion on a comparison of our percentage of historic demand recovery for late December (78%) with the recovery rate of TSA airport screenings for the same period (83%). Unfortunately these levels have dropped in recent weeks due to the surge in Omicron related infections, but we are now seeing a gradual recovery in demand again, especially in Amtrak's core Northeast Corridor markets. What has been especially encouraging about this quest for more traffic has been the large numbers (up to 500,000 per month) of new customers that Amtrak has welcomed.

We plan to continue these strategies and nurture recovering business demand so that we can regain and grow our historic share once businesses return to their normal travel patterns. In the meantime, and in parallel, we continue to work on service expansions that will be needed once overall passenger demand recovers.

*Question 16.* Do you expect host carriers to welcome or accept the introduction of new or expanded services on their lines if they are not supported by capacity and schedule modeling studies that the hosts themselves have been allowed to design and lead? Has that been Amtrak's experience?

*ANSWER.* Allowing Amtrak use of their lines for passenger service is part of existing law. That was one of the principles that the major carriers and their predecessors agreed to in 1970 in exchange for relief from Congress of their common-carrier obligation to carry passengers. While some host carriers are more willing than others to work collaboratively with Amtrak, each circumstance is different. Amtrak's experience is that in many cases, we can work effectively with host railroads to implement new and expanded services. Amtrak is willing to participate in joint modeling studies where the inputs and assumptions used in that modeling are shared, the process is transparent, and the results and alternatives are collaboratively developed, which some host carriers have refused to do. Amtrak stands ready to make sensible capacity investments for expanded services where there is an agreed-upon need.

*Question 17.* Has Amtrak worked through capacity and interference issues with its host carriers for its planned new and enhanced services?

*ANSWER.* Throughout its long history, Amtrak has, in many cases, successfully worked with host railroads to jointly plan for and implement new and enhanced services. As a recent example, Amtrak has worked with the states of Minnesota and Wisconsin, and with host carrier Canadian Pacific to extend a *Hiawatha* service train between Milwaukee and St. Paul. In this instance, the parties worked collaboratively to develop a list of reasonable capacity enhancements, a source of funding to build them, and an agreement allowing service to begin while those enhancements are under construction. While each expansion project is unique, we view this as a model for how passenger stakeholders and freight carriers can work together for the benefit of both modes.

*Question 18.* How many of your newly announced planned services have been agreed to by hosts? If hosts have expressed disapproval or pushed back on the planned services, what reasons for disagreement have hosts shared with Amtrak?

**ANSWER.** When Amtrak released the Amtrak Connects US vision, we reached out to each host railroad individually identifying the routes in that vision that would potentially operate over their owned rail lines. We indicated that as individual route initiatives progressed, we would reach out again, to begin a more robust joint planning effort. During 2021, Amtrak and the Commonwealth of Virginia entered into agreements with CSX and Norfolk Southern that will enable additional/extended Amtrak service over two routes—Washington-Roanoke-New River Valley and Washington-Richmond-Norfolk—included in the Amtrak Connects US vision. Amtrak recently entered into an agreement with Canadian Pacific allowing for operation of new or additional Amtrak service over three Amtrak Connects US routes: Chicago-St. Paul, Chicago-Milwaukee and New Orleans-Baton Rouge. In addition, a number of Amtrak's state partners have reached agreements with host railroads that provide for operation of additional services included in the Amtrak Connects US vision. For the several other routes that are currently advancing, we are communicating and working with host railroads to jointly progress those efforts.

**Question 19.** Why do you believe there is demand for Amtrak expansion outside of the Northeast Corridor? What evidence do you have that Amtrak will be an attractive alternative to regional airline services or driving, especially in rural areas with less traffic congestion?

**ANSWER.** According to recent polling [<https://www.onerail.org/onerail-coalition-poll-confirms-strong-support-for-rail/>] by the One Rail Coalition, passenger rail has a 75% favorability rating, and increased service is broadly popular: 83% of Americans agree that we should shift more passenger and freight trips to rail and transit to reduce greenhouse gas emissions. As the first step in developing its Amtrak Connects US vision, Amtrak began researching potential city pairs through a literature search of intercity travel studies, including air corridors where intercity passenger rail service should be competitive, and city pairs without substantial rail and bus services. Amtrak next brought in demographic data to identify additional city pair markets, relating the route endpoint populations to the distance between them. Amtrak then assessed potential intercity passenger rail corridors identified by the America 2050 study (produced by the Regional Plan Association) which are predicted to have the greatest ridership demand based on population size, economic activity, transit connections, existing travel markets and urban density. From this, Amtrak created a list of about 70 high-potential intercity passenger rail corridors, most 100 to 350 miles in length, to advance for further analysis. Amtrak staff also utilized the FRA CONNECT model, which forecasts demand and costs at a very high level, for initial screening of candidate corridors and benchmarking. Ridership and revenue forecasts were then prepared using models developed and applied by Amtrak and its consultant (which routinely forecasts ridership and ticket revenue on Amtrak's existing train services). For each corridor analysis, the model was applied to all existing and new markets impacted by the envisioned service changes. Socio-economic data and forecasts of population, employment, and income were assembled within the catchment area for each station, accounting for overlap among adjacent stations. Other key inputs included conceptual schedules, frequency of service, and estimated passenger fares. Forecasted demand-model output included ridership, passenger mileage, and ticket revenue. The model utilizes existing and historical ridership data, where available, to validate the baseline conditions.

**Question 20.** Can you discuss any plans to work with or include the private sector, including contractors, in your route expansion plans?

**ANSWER.** Amtrak already contracts out many services in situations that improve Amtrak's financial performance and service quality and are consistent with legal requirements and collective bargaining agreements. Current examples include commissary operations for on-board food services, and servicing of Amtrak equipment at remote terminals.

Amtrak also already has contractual arrangements and partnerships with private sector entities to provide Thruway bus services that connect with our trains nationwide and extend the reach of Amtrak's transportation service with through ticketing. Similarly, Amtrak has consulting and joint ticketing agreements with private high speed rail line Texas Central. As described by then-CEO Bill Flynn in his Congressional testimony in May 2021: "The joint ticketing agreement will allow passengers to make reservations through Amtrak's website, app and other distribution channels for trips involving travel on both Amtrak trains and Texas Central's planned high-speed rail line between Dallas and Houston and provide seamless connections between the Amtrak and Texas Central stations."

Amtrak's cooperation with the private sector will only increase with IIJA-funded route expansion projects. Providing additional rail corridors will entail spending most of the \$12 billion in IIJA Discretionary National Network funds on goods and

services from private sector entities. Some examples include manufactured goods such as new locomotives and railcars, rail and track materials, signal materials, and station construction materials. Services include construction of new and improved infrastructure to accommodate additional Amtrak service such as tracks, bridges, stations, and maintenance facilities, as well as professional services to assist in planning, designing, and executing these improvements. These services would be provided by private host railroads whose track would be used and improved, professional consulting firms, as well as local private contractors throughout the country.

*Question 21. Who should decide Amtrak's National Network routes? Congress? Amtrak? Or someone else?*

*ANSWER.* The process for making changes to the National Network (i.e., Amtrak's non-Northeast Corridor routes, which are primarily operated over other "host" railroads' tracks) is prescribed in law. With respect to state-supported routes (less-than-750-mile routes sponsored by, and operated according to, the wishes of specific states), changes in service levels (including initiation of new service) must generally reflect the wishes of a sponsoring partner or partners, and must conform with the cost methodology policy originally developed by the State-Amtrak Intercity Passenger Rail Committee pursuant to Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA).

With respect to long-distance routes (750-mile-plus routes with no state sponsors, for which the federal government covers operating losses), the IIJA stipulates that Amtrak "may not discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any segment of any long-distance route in any fiscal year in which Amtrak receives adequate federal funding for such route," with certain (narrow and/or temporary) exceptions. Amtrak is committed to following the law; assuming that Congress provides adequate funding, the company will seek to maintain its existing network of routes. The IIJA also directs the Secretary of Transportation, in consultation with Amtrak and other appropriate entities, to prepare a report to Congress regarding possible "restoration of daily intercity rail passenger service" along discontinued long-distance routes, as well as currently-operational routes receiving less-than-daily service. The required report is to identify a "preferred option" for achieving daily service along each relevant route; in support of each preferred option, the report must also 1) provide a prioritized inventory of necessary capital projects, and 2) identify federal and non-federal funding sources that could support the proposed service level. (The Secretary is also permitted to evaluate potential new long-distance routes.)

*Question 22. What is Amtrak's hiring and workforce expectations for these expansion plans?*

*ANSWER.* Talent Acquisition has increased recruiter headcount through outsourcing partnerships, temporary recruiters, and employee hires and will continue until the Talent Acquisition Organization is stable and can deliver to the staffing levels required by Amtrak.

Additionally, Talent Acquisition has entered a partnership with a consulting firm to provide a recruiter flex model that allows Amtrak Talent Acquisition to increase recruiter headcount when faced with higher staffing levels like we are experiencing today. This partnership will increase candidate volume and yield an increase in overall hires. Amtrak will continue investing in its workforce and has set a goal of hiring over 1,900 additional employees by the end of FY 22.

Talent Acquisition is also committed to increasing relationships with Universities, Colleges and Tech Schools. Since the focused effort began, we have hired 179 interns in calendar year 2021 from 76+ Universities with about 30% of those hires direct from our Tier University list. Our community college and technical events have yielded professional hires as well. Career engagement (fairs, resume building, classroom drop ins) will continue into 2022.

*Question 23. As automobile technology continues to advance, including the development of automated vehicles, how can Amtrak compete with such innovations in terms of convenience and attracting riders?*

*ANSWER.* Projections a few years ago that automated vehicles would proliferate quickly have not been realized for several reasons, including technological limitations, safety, cost, and customer acceptance. Whether, when, and to what extent automated passenger cars will gain significant usage in the future is highly uncertain. Regardless of what the future holds for automated passenger cars, they are not going to solve all the problems, such as highway congestion and increased travel demand due to population and economic growth, that create the need for continued, improved, and expanded Amtrak service. Amtrak believes that the best way to respond to both the competition we face today and from potential future technological

innovations is to continue, with the funding Congress has provided in the IIJA, to pursue investments in technology, equipment, infrastructure, and our employees to improve our customers' experience, enhance the quality and reliability of Amtrak service, and make travel by Amtrak and connections with other modes more seamless, and to accelerate our efforts to increase and expand Amtrak service in existing and new markets where Amtrak service is limited or non-existent today and does not meet current and future intercity travel needs and passenger demand.

*Question 24.* Can Amtrak decide to terminate routes? If so, has Amtrak considered which routes should be terminated, and why?

*ANSWER.* Please see response to question 21 with respect to long distance routes. Section 209 of the Passenger Rail Investment and Improvement Act of 2008, codified as a note to 49 U.S.C. 24101, requires states to provide funding, in accord with the cost allocation methodology developed pursuant to that provision, for the continued operation of state-supported routes. Amtrak would only discontinue a state-supported route should a state cease to provide funding for a route or not renew the contract for such service, which was the case with Indiana DOT and the former *Hoosier State* service.

*Question 25.* How much money does Amtrak expect to budget over the next five fiscal years for capacity improvements on existing routes hosted by other carriers versus for new or expanded services?

*ANSWER.* At present, there is not a predetermined budget for capacity improvements on existing routes, or on routes that would host new or expanded service. Amtrak's annual capital budgeting process is the way in which a capacity project, or any other project, "competes" for limited available funding based on the project's potential to increase revenue, reduce costs, or achieve longer term strategic objectives.

*Question 26.* Amtrak currently requires any claims against it to be arbitrated. Please advise the subcommittee whether Amtrak intends to retain or revise this policy.

*ANSWER.* Amtrak currently maintains an arbitration program in which customers agree, at the time they purchase a ticket, to resolve disputes with an impartial third party, the American Arbitration Association (AAA), if they cannot be resolved directly between Amtrak and the customer. Since instituting this program, Amtrak continues to resolve the majority of our passenger claims through mutual agreement, without either arbitration or court proceedings. For claims that cannot be so resolved, arbitration has many benefits for customers and Amtrak: faster resolution of claims, a more streamlined process, lower costs, convenient venues, independent and mutually-agreed-upon arbitrators, no confidentiality restrictions, and no restrictions on the type of relief available. Additionally, to elaborate on the latter point, the types of relief available to customers via arbitration are identical to the relief options available in the court system. While Amtrak has no current plans to modify its policy in general, there may be cases where the parties mutually agree not to submit to arbitration, if appropriate for the efficient adjudication of the claims at issue.

*Question 27.* What are Amtrak's losses, per train or per passenger-mile, when taking into account depreciation of equipment?

*ANSWER.* Amtrak uses the group method of depreciation (group method) in which a single composite depreciation rate is applied to the gross investment in a particular class of property or equipment, despite differences in the service life or salvage value of individual property units within the same class. While we know how much depreciation has been recorded for a particular group, we do not calculate equipment depreciation per train, which would vary from day to day depending upon the number and type of equipment units assigned, or equipment depreciation attributable to operation of our National Train System that could be used to calculate a depreciation cost per passenger mile.

*Question 28.* What is your position on private cars on Amtrak trains and charter trains operated by Amtrak?

*ANSWER.* Amtrak is pleased to move privately-owned railroad cars on Amtrak trains between selected locations around the country, and to operate trains of Amtrak equipment, or privately-owned equipment, as charters on Amtrak-served routes throughout the nation. Additional details for using these services can be found on [amtrak.com](http://amtrak.com).

*Question 29.* Can you discuss your thoughts on Amtrak being a good steward of the taxpayer dollars, including striving to get a good return on taxpayer money and make a profit rather than suffer annual revenue losses?



**ANSWER.** Congress made clear in a 1978 amendment to the Rail Passenger Service Act that Amtrak was not intended to be profitable. That would be an unrealistic expectation, since Amtrak was created to relieve private railroads of passenger operations on which all of them were incurring huge financial losses, no private U.S. intercity passenger rail service initiated since Amtrak's formation has achieved profitability, and every national passenger rail system in the world is dependent upon public funding. Amtrak is also required by federal law to operate or provide many services that have no prospect of recovering their costs. And unlike for-profit businesses, what Amtrak can charge freight and commuter railroads for use of its most valuable asset—the Amtrak-owned rail infrastructure on the Northeast Corridor and elsewhere—is prescribed by statute to equal the recovery of costs. Likewise, the payments states make for Amtrak's operation of state-supported services, which are governed by a statutorily-created body of Amtrak and the states, and those payments cover only a portion of those services' operating and capital costs.

In Section 22201 of the recently enacted Infrastructure Investment and Jobs Act, Congress revised Amtrak's goals to provide that the company was to “maximize the benefits of federal investments.” Amtrak believes this is an appropriate goal, and endeavors to achieve it by operating in a cost-efficient manner; improving operational performance; maximizing ridership through improvements in customer service, marketing and optimal use of equipment; maximizing revenues by utilizing yield management and pursuing revenue-generating ancillary business activities; partnering with state governments and other funding partners to leverage federal funding; utilizing available federal capital funding for investments that produce the highest benefits and make Amtrak service more competitive with other modes; and increasing the availability and relevance of Amtrak service by adding service in growing, underserved and unserved markets.

**Question 30.** Recently there was a serious security incident on an Amtrak train in Tucson, Arizona. Given Amtrak's plans to expand service, how do you plan to build rider confidence that Amtrak trains are safe and crime-free?

**ANSWER.** The entire Amtrak family continues to honor the sacrifice of Drug Enforcement Administration Special Agent Michael Garbo who tragically died in the line of duty on October 4, 2021 in Tucson, Arizona.

Amtrak passengers and trains travel on a significantly safe system thanks to the efforts of the Amtrak Police Department, which Congress has directed to employ over 430 uniformed police officers. Policing a national network is unique and challenging. In addition to our dedicated force, we rely on partnerships with local, state, and federal law enforcement partners across the country. Our relationship with DEA Special Agent Garbo and his taskforce of officers was one of those valued partnerships. Special Agent Garbo frequently worked with our team to provide a visible deterrent in Tucson and actively enforced the law. On October 4, in Tucson, those officers encountered a criminal, who was evading law enforcement authorities in California after escaping from a pretrial release program for a serious violent felony. The suspect, armed with two handguns, had vowed not to return to jail, and shot SA Garbo and wounded two other law enforcement officers without provocation. That crime was jointly investigated by the Federal Bureau of Investigation and the Amtrak Police Department.

Amtrak and its police officers prioritize the safety and security of our passengers above all else, working tirelessly. Efforts start with a strong core of progressive police officers who use intelligence led policing to address emerging threats, to quickly identify patterns in our stations and on-board trains, providing a visible deterrent. Our officers utilize the latest TSA style technology to conduct random screenings of passengers in various locations. We are currently exploring options to expand our random screening program, in partnership with TSA. Local, state, and federal law enforcement partners attend training and educational classes about the uniqueness of surface rail transportation, and they become force multipliers across the nation.

Our canine program is among the strongest, with over 50 specially trained canine partners that participate in screening passengers for weapons and explosives. Local officers meet regularly with counterparts and are aware of current trends in areas adjacent to our operations across the country.

Data and analytics drive decision making, and while no agency has a crystal ball, our analysts use data to quickly identify potential areas of crime, and commanders create strategies through the COMPSTAT process to deploy resources to address and mitigate crime at the root cause.

One of the cornerstones of our success in providing customers and employees with a significantly safe system is the deployment of officers as visible deterrents on our trains. The feedback we receive from our train crews and employees tells us this is the right approach.

*Question 31.* Have you worked with the Amtrak Police Department or other law enforcement to ensure that Amtrak trains are safe? If so, what actions have you taken?

*ANSWER.* Please see the answer to the previous question.

*Question 32.* Do you believe that Amtrak should prioritize improving and ensuring its current network is safe and crime-free before it looks at expansion?

*ANSWER.* Amtrak's highest priority is the safety of its customers and employees, and we are confident in the safety of our services.

*Question 33.* Last year, the Amtrak Inspector General found issues with Amtrak's ability to define the role, priorities, and size of the Amtrak Police Department. Can you tell us how Amtrak is addressing these issues?

*ANSWER.* In July 2020, the Amtrak Office of Inspector General issued a report titled "Safety and Security: Management of the Police Department Has Recently Improved but Foundational Decisions Are Needed on Its Role and Priorities." The report's primary recommendation centered around building a consensus with Amtrak management around the core mission and appropriate staffing of the Department. Their report has served as the foundational roadmap for the Amtrak Police Department as its five-year strategic plan was developed. Phase two of our efforts included the commissioning of a workforce planning study to help guide deployments and future staffing decisions.

With Amtrak's Corporate Values to "Do the Right Thing, Put Customers First, and Excel Together" as our foundation, the Amtrak Police Department built its strategic plan on our 4 pillars to help better define the mission and vision of the agency: Protecting People and Infrastructure, Supporting our People, Internal and External Partnerships, and Optimizing the Business.

The pillars were developed as the result of feedback from the Amtrak Executive Leadership Team (ELT) and the execution of a comprehensive SWOT (Strengths, Weaknesses, Opportunities, and Threats) assessment performed by APD commanders and key stakeholders.

APD's workforce study will complement its Strategic Plan and help detail present staffing levels against the actual needs for providing police service to the U.S.'s national rail system, given the current challenges in the public safety arena.

The foundation of the analysis is on Amtrak's commitment to providing a holistic approach to security and policing focusing on ensuring staffing is aligned with the primary pillars of the department's strategic plan, which include protecting people and infrastructure, supporting our people, developing internal and external partnerships, and optimizing the business as well as the company's goals of doing the right thing, excelling together, and putting customers first.

The workforce study is expected to be complete by the end of January 2022.

The APD's approach to its Strategic Plan and workforce study provides a foundation and creates a strong culture of accountability and responsibility, sets the Department on a path as a national leader in providing public safety, collaborating with the communities we serve and at the same time valuing both the long and complex history of policing in our country. The Amtrak Police Department's Strategic Plan also embraces calls for reform in our nation's criminal justice system.

QUESTION FROM HON. JESÚS G. "CHUY" GARCÍA TO STEPHEN GARDNER, PRESIDENT, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* There has been a lot of discussion on choosing operators for state-supported routes. Right now, Amtrak is the primary operator of state supported routes and they are the only entity that has a right of preference to operate passenger rail service on freight owned rail. Amtrak is also a Railway Labor Act covered entity so its employees, many of whom are unionized, are covered by those labor protections. Those protections don't necessarily apply to employees of private rail contractors. My understanding is that Amtrak is making significant investments in their state supported routes. Can you expand on these investments and also the general benefits Amtrak provides as the operator of state-supported routes?

*ANSWER.* You are correct that Amtrak has made major investments in state-supported routes despite the very limited funding available for that purpose prior to the enactment of the Infrastructure Investment and Jobs Act (IIJA). Among the state-supported corridors in which Amtrak, in partnership with our state partners, has made or committed to make significant investments in recent years are Washington-Richmond, Virginia; the planned S-Line corridor between Petersburg, Virginia and Raleigh, North Carolina; the TCMC corridor between St. Paul and Chicago; the Hiawatha route between Milwaukee and Chicago; the Chicago-Detroit Michigan Line; the Philadelphia-Harrisburg Keystone Corridor; the Springfield,

Massachusetts-New Haven Hartford Line; and the Gulf Coast route between New Orleans and Mobile, Alabama. State-supported routes have also benefited from Amtrak investments in stations served by state-supported trains, including major investments in Chicago Union Station and Washington Union Station, and ADA and other station improvement projects at many other stations. Amtrak investments in technology used by passengers on state-supported trains, in particular the Amtrak app, have also significantly benefited state-supported routes.

The recently enacted IIJA provides \$12 billion in advance appropriations to FRA for the primary purpose of funding the Corridor Identification and Development Program to initiate, expand and improve intercity passenger rail service on corridors outside of the Northeast Corridor. The IIJA provides that these corridors may be operated by Amtrak or private rail carriers. The IIJA also provides \$16 billion in advance appropriations for National Network grants to Amtrak, a portion of which Amtrak is directed to use for the new single-level trainsets Amtrak is acquiring that will operate on state-supported routes and Amtrak is authorized to use for other investments on Amtrak-operated routes. As the FRA stands up the program for selecting corridors for development, we intend to be an active participant in the process.

Regarding the value Amtrak brings to state partners: In 2019, pre-pandemic, Amtrak state-supported services had ridership of over 15 million passengers annually with 28 state-supported routes and 19 partners. To accomplish this, we leverage our pooled investments, our unique access rights, safety, and operational expertise across the full Amtrak network to deploy solutions that would be challenging to deliver if not at scale. This has created a solid foundation and unique value proposition across the major areas of our business—infrastructure, transportation, product, and commercial delivery—and makes Amtrak a compelling partner for future state corridors. We can execute this business model because of the strength of our strong employee base, and as we expand, we will use our existing labor framework to create additional high-quality jobs.

Amtrak believes that all operators of passenger rail services that operate over the national network, or that receive federal funding, loans or access to tax advantaged financing, should be subject to the Railway Labor Act and other federal railroad laws such as the Railroad Retirement Act.

QUESTIONS FROM HON. HENRY C. "HANK" JOHNSON, JR. TO STEPHEN GARDNER,  
PRESIDENT, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* According to a 2020 passenger survey [<https://media.amtrak.com/2020/09/americans-continue-to-strongly-support-more-rail-and-public-transit/>], nationwide African Americans are 13 percent of the U.S. population, but 19 percent of Amtrak's ridership.

a. How will your plans to expand intercity passenger rail prioritize diverse ridership and ensure that communities of color are not forgotten?

**ANSWER.** Amtrak's vision for expanding its route network as articulated in Amtrak Connects US directly addresses this issue. The most extensive implementation of new routes in Amtrak's vision is in regions of the country, generally in the South including Georgia, Tennessee, Alabama, Florida, and Texas, which are currently vastly underserved by Amtrak trains, and generally have a significant representation of communities of color. Amtrak's vision, dependent on the cooperation of our state funding partners, is to increase our route network and service substantially in these areas. And unlike airlines, Amtrak trains stop frequently in rural areas throughout the nation, providing essential transportation service to a diverse range of residents located in major metropolitan areas, mid-sized communities, and small towns.

b. Your testimony indicates that there are opportunities to develop partnerships with universities, community colleges, and labor organizations to attract and educate the Amtrak workforce of the future. Can you describe Amtrak's plan of action to ensure that women and people of color are recruited and trained for these new jobs?

**ANSWER.** Amtrak continues to develop and expand our engagement and partnership with Historically Black Colleges and Universities (HBCUs), Hispanic-Serving Institutions (HSIs) and colleges for women. These connections play a vital role in attracting qualified, diverse talent to employment opportunities across Amtrak. In 2022, to further build our reputation as a diverse and inclusive place to work, Amtrak will grow and expand its university relations recruitment to create meaningful connections with students from these schools, as well as community colleges and technical schools that educate diverse student populations. Amtrak has 7 scholarship offerings which are targeted to support educational costs for students pursuing degrees or programs in STEM, Business/Supply Chain, Railroad programs, and

Technical/Vocational schools. Over 50% of Amtrak's scholarships are targeted to support diverse students. The program provides support to our community while also building Amtrak's pipeline of candidates for internships and early career opportunities. We will expand our newly introduced scholarship offerings to include women and people of color. These efforts are projected to increase the pipeline of students interested in careers at Amtrak.

Amtrak will also establish new relationships with several organizations including Women in Technology, Women in Transportation, National Society of Black Engineers, Society of Hispanic Professional Engineers, Society of Women Engineers and Association of Latino Professionals of America. We will solicit engagement from our internal Employee Resource Groups: Notch8, A. Philip Randolph, Express Pride, UNIDOS, Asian Pacific America and Don't DIS our ABILITY to participate in important conferences, recruiting events, guest speaking and promotional opportunities, highlighting our open employment roles.

In 2022, Amtrak launched The Mechanical Apprenticeship Program. It offers both trade school and Amtrak courses, combining basic skills with specialized curriculums for each of the five different Mechanical tracks that will be offered. Amtrak is leveraging its Wilmington and Beech Grove back shops and four maintenance yard locations as primary sites to conduct the apprenticeship training.

Census tracts for the Wilmington, Washington, D.C., and Beech Grove training locations fit the Federal Transit Administration's definition for Areas of Persistent Poverty (<https://www.transit.dot.gov/grant-programs/areas-persistent-poverty-program>). An Area of Persistent Poverty is defined as a Census Tract with a poverty rate of at least 20 percent. These are the locations where we will source our apprentice candidates, feeding into the pool of higher paying, skilled journeyman positions.

City	Percentage Minority Population (Census Tract of Facility)
Los Angeles, CA .....	58.29%
Chicago, IL .....	50.26%
Beech Grove, IN .....	23.00%
New York, NY .....	87.34%
Wilmington, DE .....	81.81%
Washington, D.C. ....	92.95%

Amtrak has also applied for a Consolidated Rail Infrastructure and Safety Improvement (CRISI) grant in support of the Mechanical Apprenticeship Program to help fund internal training and expanded partnership with local trade schools for training and recruiting. The targeted future expansion across all Amtrak departments will further enable us to continuously grow and educate a diverse, productive, and safe workforce.

QUESTION FROM HON. DOUG LAMALFA TO HON. DAVID S. KIM, SECRETARY,  
CALIFORNIA STATE TRANSPORTATION AGENCY

*Question 1.* Given the repeated delays and cost overruns of the California high-speed rail project, as well as the propensity of the project's rail authority to disrespect private property rights, why wouldn't it make more sense to abandon what little progress has been made on the California project and instead lean in to upgrading Amtrak's system, given their significant funding increases and proven success running high-speed trains in the Northeast Corridor?

*ANSWER.* In 2008, California voters made clear what they wanted with the passage of Proposition 1A—an electrified rail system capable of speeds of 200 mph or greater, connecting Los Angeles/Anaheim with the Bay Area via the Central Valley. In order to address climate change, provide needed mobility options, and address highway and airport congestion, it's necessary for California to complete this needed form of mobility.

California is building a system capable of running trains at 220 mph. This system will run from San Francisco to Los Angeles in less than 3 hours. On this segment, Amtrak's fastest trains that currently run speeds of 125 mph in the Northeast Corridor would take much longer and would consequently be incapable of traveling fast enough to satisfy the speed requirement outlined in Proposition 1A.

Amtrak's current service from San Francisco to Los Angeles requires more than nine hours and includes a combination of train and bus transportation. Upgrading

mitted, and the Board is reviewing the record, giving full and fair consideration to all stakeholder views.

*Question 2.* The STB instituted a proceeding regarding the preemption of railcars in transit from the Clean Water Act regulations. Members of the Committee wrote to the STB about the importance of the Interstate Commerce Commission Termination Act of 1995 (ICCTA) preempting the applicability of the National Pollution Discharge Elimination System permitting program to rail cars in transit. That docket closed in May 2020. Given that proceeding is not listed on the Board's quarterly reports, when can we expect a decision?

*ANSWER.* In November 2019, the AAR filed in Docket No. FD 36369 a petition for declaratory order requesting the Board find that 49 U.S.C. § 10501(b) preempts the Clean Water Act's discharge prohibition and National Pollutant Discharge Elimination System permitting regime, as applied to discharges incidental to the normal operation of rail cars in transit. The Board instituted a declaratory order proceeding and established a procedural schedule, under which the record closed in May 2020. The proceeding is under active consideration at the Board, and we expect to issue a decision in the matter shortly.

QUESTION FROM HON. ELEANOR HOLMES NORTON TO CHAIRMAN ANN D. BEGEMAN AND VICE CHAIRMAN MARTIN J. OBERMAN, SURFACE TRANSPORTATION BOARD

*Question 1.* The FRA just published its final rule establishing metrics and a minimum standard to measure on-time performance and service quality for Amtrak trains as directed by Section 207 of PRIIA. Does the STB plan on issuing implementation guidance for this rule? If not, what role does STB plan on having in implementation?

*ANSWER.* The final rule recently issued by the FRA was a prerequisite to the STB's exercise of its investigative authority under PRIIA. Under section 213 of PRIIA, the Board may institute an investigation on its own initiative if (1) on-time performance of any intercity passenger train averages less than 80% for any two consecutive calendar quarters, or (2) the service quality of intercity passenger train operations for which minimum standards are established under section 207 fails to meet those standards for two consecutive calendar quarters. If a complaint is filed by Amtrak, an intercity passenger operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, section 213 directs the Board to initiate such an investigation. The purpose of a Board investigation is to determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed either by the rail carrier over whose tracks the intercity passenger train operates or by Amtrak or other intercity passenger rail operators. As part of its investigation, the STB may award damages or other appropriate relief to Amtrak under certain circumstances.

At this time, the Board has not determined it necessary to issue implementation guidance. Amtrak had previously brought two on-time performance cases under PRIIA before the Board. See *Nat'l R.R. Passenger Corp.—Sec. 213 Investigation of Substandard Performance on Rail Lines of Canadian Nat'l Ry.*, Docket No. NOR 42134; *Nat'l R.R. Passenger Corp.—Investigation of Substandard Performance of the Capitol Ltd.*, Docket No. NOR 42141. Those cases were ultimately dismissed without prejudice at the unopposed request of the defendant carriers after the U.S. Court of Appeals for the D.C. Circuit initially found section 207 of PRIIA to be unconstitutional. The Board will take appropriate action to conduct section 213 investigations as warranted by future developments.

QUESTIONS FROM HON. PETER A. DEFazio TO STEPHEN J. GARDNER, SENIOR EXECUTIVE VICE PRESIDENT, CHIEF OPERATING AND COMMERCIAL OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* It has been presented that the system essentially works in the interest of either freight or passenger rail as a zero-sum game. As a former dispatcher yourself, please give your perspective. Is there a way to both have an efficient passenger rail system and not impinge upon the freight industry?

*ANSWER.* Absolutely. Passenger and freight trains have co-existed since railroads began. Trains—whether freight, passenger or both—perform well when solid operating plans, reliable infrastructure and well-trained staff are in place to support the operation. Today, our passenger trains account for only a small share of train operations on the vast majority of the freight railroad-owned lines over which Amtrak operates. It strains credibility to suggest that most of our operations, for instance, one round-trip over a modern, CTC-equipped, freight mainline with five to six trains

per hour of capacity, have any material impact on freight operations or that it is difficult to keep such operations on-time. The only way that our highly scheduled and predictable operation could have any real impact on most routes is if freight operations are so variable, so erratic and so “unscheduled”—despite the buzzwords of today—that conflicts are allowed to regularly occur.

Such cases are fundamentally a train operations management problem. Freight railroads have an obligation to support our operation with the required discipline, focus and precision—all attributes they claim to possess for their freight operations—that are needed for us to produce a reliable service for the nation. For well over a century, the predecessors of our Class I railroads delivered this level of service, treating many passenger trains as “superior” trains that must be delivered on-time and never delayed. Today’s freight railroad professionals are no less capable of this feat.

It is also important to note that on nearly all of Amtrak’s routes over freight railroads, Amtrak, the federal government and/or our state partners have made significant investments, in some cases with financial contributions from our freight railroad hosts, that have provided increased capacity and upgraded infrastructure that are used by both freight and Amtrak trains.

There are numerous examples of successful collaboration between freight and passenger railroads. Descriptions of some of these examples can be found on the website of One Rail, the coalition of rail stakeholders of which Amtrak and the Association of American Railroads are members. (<https://www.onerail.org/category/onerail-materials/rail-success-stories/>) One of the examples described is Amtrak’s Downeaster service between Boston and Portland, which has been highly successful due to a strong partnership among Amtrak, our state partner, the Northern New England Passenger Rail Authority and the freight railroad for which I was a train dispatcher, and has attracted significant federal funding for rehabilitation of an important freight rail line.

There are also many successful operational partnerships between freight and passenger railroads. The Chicago Integrated Rail Operations Center, established in 2015, brings together representatives of the Class I railroads operating in Chicago, Metra and Amtrak to monitor train performance throughout the Chicago area and coordinate actions to relieve operational and congestion issues. In South Florida, capacity and other infrastructure investments on an existing freight railroad-owned line between Miami and West Palm Beach that has heavy freight traffic comprised primarily of high-priority intermodal trains and the establishment of a joint dispatching center have allowed for the introduction and successful operation (pre COVID-19) of 34 passenger trains a day operated by a private railroad; many times the number of trains Amtrak contemplates adding on freight railroad-owned lines as part of the corridor development program for which we will seek funding in reauthorization.

In summary, there are many steps Amtrak and our hosts can take to achieve good performance and growth for both passenger and freight service, but the most fundamental is the recognition by our hosts that supporting reliable passenger service is both an obligation to the public and the nation.

*Question 2.* Mr. O’Toole’s testimony states that “passenger train advocates want the railroads to give preference to passenger trains.” As history recalls, Congress granted this right of preference for Amtrak trains in exchange for relieving the struggling, privately-owned freight railroads of their common carrier obligation to provide passenger rail transportation by creating Amtrak. That statutory right of preference has been codified since President Nixon signed it into law five decades ago.

- Can you describe the negative impacts to Amtrak and its passengers when its trains are not provided the preference Congress specifically granted it 50 years ago?
- Does giving Amtrak trains preference harm the movement of freight?

*ANSWER.* In FY 2019, 6.5 million Amtrak passengers were significantly late on trains delayed by host railroads, largely as a result of some freight railroads ignoring Amtrak’s right to preference. This resulted in lost time, missed family commitments and business meetings, and trips not taken for fear of arriving late. Across the Amtrak long distance network, customer on time performance (OTP) in FY 2019—the percentage of passengers who arrived at their destination on time—was only 42%. On one-third of our 15 long distance routes, more than seven out of every ten passengers arrived significantly late. Several state supported corridor routes were similarly delayed.

The principal reason for this dismal on time performance is freight train interference by host freight railroads. Freight train interference is caused by dispatching

decisions that prioritize the operation of freight trains over passenger trains, either putting Amtrak trains behind slow-moving freight trains for miles or relegating the passenger train to wait in sidings for freight trains to pass. These delays totaled more than one million minutes in FY 2019—equivalent to two years of passengers waiting for freight—which demonstrates that on many host railroads Amtrak trains are not receiving the preference over freight transportation required by law.

Late trains have a major cost to Amtrak. When trains are regularly late, customers choose alternative modes of travel, representing a lost opportunity for ticket revenue. Delays also have a direct impact on operating costs by increasing overtime and labor expenses, fuel costs, additional meals and hotel rooms for passengers that miss connections, an increase in the number of locomotives and passenger cars required for the operation, among other costs.

The cumulative financial impact to Amtrak is substantial. The U.S. Department of Transportation Office of Inspector General found that Amtrak would experience a net annual gain of nearly \$140 million if on time performance across the network improved to 85%.<sup>1</sup> The Amtrak Office of Inspector General found that improving on time performance by just five percentage points would result in short-term financial gains of \$12 million, and improving on time performance to 75% for a sustained period would result in annual savings of \$42 million and one-time savings of \$336 million.<sup>2</sup>

Preference violations—and the absence of preference enforcement—have also meant that public investment in freight railroad infrastructure to improve passenger rail performance has not yielded promised returns for passengers or state funding partners. For example, in the year after nearly \$500 million were invested in the freight railroad line used by the State of North Carolina-supported *Piedmont* service, host railroad delays actually increased, up to twice the level they were prior to the investment. On the route into Chicago used by three train services supported by the State of Michigan, as well as the *Capitol Limited* and *Lake Shore Limited* long distance trains, \$200 million of public funds were invested into the Englewood Flyover and Indiana Gateway projects. Today, however, passengers traveling on this line regularly encounter severe—and eminently avoidable—host railroad delays. Taxpayers and passengers deserve a better return on their investment.

Some freight railroads claim that providing passenger trains with preference is an unreasonable standard that limits the efficiency of the rail network and service provided to shippers, or that it will bring freight movement to a standstill. These inflated claims do not withstand any level of scrutiny. First, freight railroads can seek relief from the Surface Transportation Board if they truly believe that providing Amtrak with preference materially lessens the quality of freight transportation provided to shippers. The fact that not one railroad has ever sought such relief suggests that either railroads do not believe that providing preference affects the quality of service provided to shippers or the railroads believe they can ignore the law with impunity. Second, there is no correlation between freight volumes and freight train interference delays on most rail lines, which means dispatching decisions unrelated to freight traffic levels drive Amtrak on time performance. Third, the presence of a few daily passenger trains on freight railroad mainlines poses no threat to the quality and growth of freight transportation. For comparison, Amtrak's mostly two-track Northeast Corridor mainline between Newark and New York Penn Station hosts up to 48 trains an hour. On most host railroad mileage, Amtrak operates two trains a day.

Simply stated, freight railroads cannot show that compliance with federal law on preference leads to a detrimental impact on their freight transportation business. When freight carrier leadership has decided to dispatch Amtrak trains according to the law, we have seen Amtrak's on time performance improve literally overnight. During these times, there was no evidence of negative impacts to the overall fluidity of America's rail network. In fact, it has been reported by some freight railroad leaders that efficient Amtrak service is a strong indicator that their own operations are running efficiently.

**Question 3.** Over the last several years, the freight railroads have adopted a set of operating procedures championed by the late Hunter Harrison and known as “precision scheduled railroading.” Along with other negative outcomes for shippers and employees, this has resulted in 3-mile-long trains that are too long for most existing sidings. How have the excessively long trains associated with precision scheduled railroading impacted Amtrak and its passengers?

**ANSWER.** In theory, tightly-scheduled freight operations could help support passenger train performance by ensuring minimal conflicts, consistency, and better utilization of existing capacity. In practice, however, “scheduled” freight operations are often a far cry from what we would consider “scheduled,” as Amtrak trains operate

on schedules set, essentially, to the minute-hand while “scheduled” freight trains operate on schedules set to hour-hand. This mismatch in required precision and operating discipline is evident when one looks closely at our operation over most hosts, and the much heralded benefits of “precision railroading” have yet to arrive for our trains on most lines.

Additionally, passengers traveling over lines owned by some railroads that have deployed Precision Scheduled Railroading principles have experienced severe delays, in part driven by the operation of trains too long to fit into the existing sidings on the line. In recent months, passengers on Amtrak Cascades and *Missouri River Runner* trains have been forced to follow freight trains for miles, at a slower speed, because the freight train ahead could not fit into a siding to allow the Amtrak train to pass. Even if the freight railroad eventually allows the Amtrak train to pass, maneuvering the Amtrak train ahead of such long freight trains typically results in significant additional delay.

Passengers have also been stuck for hours while freight trains experience mechanical issues, inherent to the operation of extremely long and heavy freight trains, that effectively shut down the rail line. For example, just since October, there have been at least 6 incidents on the *Missouri River Runner* route that shut down the entire rail line, forcing Amtrak passengers to wait for hours and leading to several cancellations, including the following incidents:

- On November 8, a freight train stalled twice, causing 4 hours of delay to passengers and an early termination that required busing to customers’ final destination.
- On November 6, a freight train broke down, causing an hour of delay to passengers.
- On November 3, a freight train broke down, causing 6 hours of delay to passengers, an early termination, as well as the cancellation of the return train.
- On October 28, a freight train broke down, blocking the line and causing 3 hours of delay to passengers on one train and a 1-hour delay to passengers on the return train.

We appreciate that the Committee has recognized the potential adverse effects of certain Precision Scheduled Railroading practices and has included in the Moving Forward Act a Government Accountability Office study on the impact of the implementation of Precision Scheduled Railroading on Amtrak and other stakeholders, as well as a National Academies study of the safety impacts of freight trains that are longer than 7,500 feet.

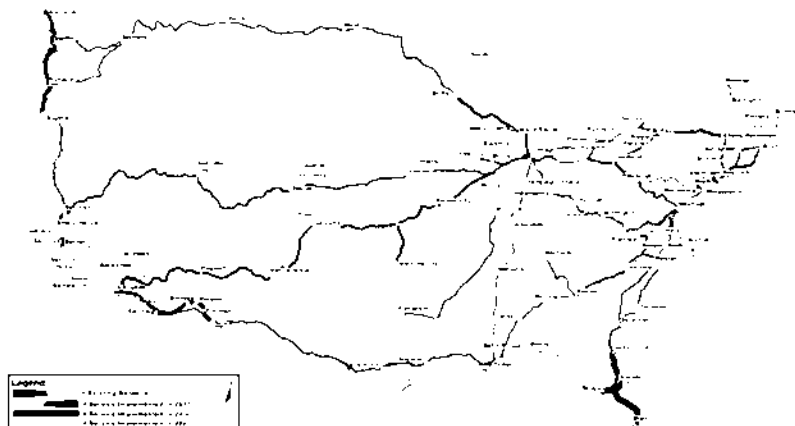
To ensure passengers do not continue to experience the severe delays associated with the operation of these behemoth freight trains, host railroads should hold the freight train until the Amtrak train has cleared the area.

QUESTIONS FROM HON. ERIC A. “RICK” CRAWFORD TO STEPHEN J. GARDNER, SENIOR EXECUTIVE VICE PRESIDENT, CHIEF OPERATING AND COMMERCIAL OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Despite Amtrak’s huge losses and potentially slow climb back to normal operations, it was reported in October that Amtrak was circulating a map showing plans to expand at a reported extra cost of at least \$25 billion (see below from October 21, 2020 Politico Morning Transportation).



### ***The Amtrak System 2035***



Amtrak's expansion plans for the next 15 years.—Amtrak

Given these plans:

a.) Please explain how you arrived at the extra cost of \$25 billion, and whether you expect the cost to exceed that estimate.

**ANSWER.** Amtrak strongly believes that many corridors connecting city-pairs around the nation have the right mix of population, density, economic growth and congestion to warrant corridor service. Many of these locations have seen huge growth since Amtrak was founded in 1971 and yet, our route map has failed to evolve to serve them, creating irrational omissions in our network. These markets deserve, as other regions receive, to have frequent and auto-competitive intercity passenger rail service as part of a national passenger rail system.

The cost estimate of \$25 billion represents the first one-third of investment needed to implement all the routes on the Amtrak System 2035 map. The approximate \$25 billion reflects corridor development that is expected to begin during the period of Amtrak's reauthorization proposal and Five Year Plan (FY22–FY26). The investment to complete the full set of route expansions proposed to be implemented by 2035 is approximately \$75 billion.

To develop these costs, we evaluated the current condition of each rail line that is a candidate for new or expanded passenger rail service. That analysis suggested what the most efficient method would be to add capacity to the rail line, such as additional tracks or better signaling, that may be required to accommodate the proposed new service. Unit cost estimates were applied to these capacity improvements to create the final cost estimate for each line. Amtrak also estimated the cost of train station improvements and additional locomotives and train cars. The cost estimates include contingency factors to absorb unexpected cost overruns.

b.) Please explain these expansion plans in written detail, including how these new routes were chosen and the expected funding source(s).

**ANSWER.** Amtrak is working on a 15 year vision for the future of intercity passenger rail service in the U.S., which will include more trains in more markets to serve a growing and changing population, reduce carbon emissions, and provide safe, fast, modern, efficient and enjoyable rail transportation. We hope to finalize our analysis and written report in the coming months and will make this expansion plan public as soon as our work is done. Our plans will include specific new routes as well as additional frequencies to existing routes. Amtrak envisions that any such expansion would require additional federal investment under a new authorized Corridor Development Program funded as part of Amtrak's National Network grant, and we will also include suggested policy proposals for Congress to consider early next year. We look forward to sharing this detail with you as soon as it is ready and hope to work with Congress to put the funding and tools in place so that Amtrak can reach more of your constituents.

c.) Please state whether Amtrak completed any studies or reports that assessed issues including rider demand, viability, expected profits, and the need for these new routes.

**ANSWER.** Amtrak analyzed each of the proposed services, which included both promising new and expanded corridor routes, addressing the following draft analytical elements:

- Developed pro forma train schedules including proposed stations with train times and frequency
- Forecast ridership and revenue using models developed in-house and by an external consulting firm, applied to the proposed train schedules and population around each station
- Estimated operating costs based on train schedules and capacity requirements using Amtrak costs for services of similar characteristics
- Combined estimated ridership, revenue, and operating costs to produce operating and financial measures by route
- Forecast route capital costs by assessing infrastructure condition and capacity through already completed studies (when available) or assembling route data from various sources and quantitatively assessing probable costs
- Assessed equipment and facility requirements for individual routes, combining resources when practical on adjoining routes

We continue to refine these analytical details.

**Question 2.** The Subcommittee appreciates Amtrak's response to the letter me and my colleagues sent regarding operation of the Biden presidential campaign charter train despite Amtrak's severe service limitations due to the pandemic. However, as Ranking Member of the Subcommittee, I'm still concerned that the response failed to answer the question about the total cost to Amtrak of providing this service, which is very important given Amtrak's extremely limited resources and historic demands for taxpayer money right now. Accordingly, please provide the Subcommittee with the total costs to Amtrak and whether Amtrak made a profit off the Biden charter train.

**ANSWER.** As stated in Amtrak's letter of November 10, 2020, the Biden presidential campaign charter train was commercially priced and utilized the same costing methodology that Amtrak applies to every other charter train customer. This customer received no financial discount or rate reductions. The pricing produced a surplus over Amtrak's fully allocated costs, which were \$209,000.

**Question 3.** In 2012, the Surface Transportation Board (STB) found Amtrak's state-supported route payment cost methodologies to be compliant with the Passenger Rail Investment and Improvement Act. Yet, both the Government Accountability Office (GAO) and Amtrak's Inspector General (IG) have highlighted a lack of transparency and major deficiencies in Amtrak's state cost formulas. A recent Amtrak IG report published August 5, 2020 found that Amtrak cannot even identify what the cost to a state would be if it added an additional car to a train. Please explain what Amtrak doing to address these issues.

**ANSWER.** In 2012, the STB approved Amtrak's petition to adopt a Section 209 cost sharing methodology that was developed jointly by Amtrak and 18 states affected by Section 209. Since then, Amtrak has worked with states to update the methodology and develop reporting tools for the states to use in managing their services. We acknowledge that, after these several years, some states are not satisfied with the current approach.

The August 5th report mentioned above quotes a state representative making the claim that Amtrak "cannot tell a state how much it would cost to add a car to a train." We respectfully submit that this statement is not entirely accurate, but we acknowledge that forecasting the costs of proposed service changes can be a complex undertaking that is highly route-specific and can take time. Because total costs for any route are a combination of direct costs and overhead costs that are allocated pursuant to the Congressionally-directed and DOT Volpe center-developed APT allocation system that Amtrak is required to use for allocating and assigning costs, what appears to be a simple change can have complex ramifications related to allocated charges. These challenges were magnified in the beginning of COVID-19, when many states were requesting service changes to respond to health and safety concerns, along with reduced ridership.

As a member of the State-Amtrak Intercity Passenger Rail Committee (SAIPRO), Amtrak has agreed to work with the other members to revisit the Section 209 formula, based on what we have learned to date. One important element of this formula is the share of total costs that should be covered by Amtrak rather than the states, and, therefore the amount that the federal government is investing in these corridor services through its funding of our operation. Amtrak believes that it is ap-

propriate to revisit the burden placed on states for funding new or expanded services initially and to consider the overall funding shares from Amtrak and the Federal government and the states that support these services. We look forward to any guidance the T&I committee may be able to provide as to what level of federal funding through Amtrak they would like to see in any future Section 209 cost sharing formula.

*Question 4.* Since 2012, how many times has the State-Amtrak Intercity Passenger Rail Committee adopted changes to the Section 209 cost formula, as prescribed by the Passenger Rail Investment and Improvement Act? Please detail any proposals that were presented by states but not approved by Amtrak to the cost formula.

*ANSWER.* Since 2012, after the original policy was approved, SAIPRC has approved four rounds of changes to the Section 209 cost formula, as shown in page 2 of the current Section 209 policy:

Version	Date	Description
v1.00 .....	August 13, 2011 .....	Recommended by the State Working Group (SWG) and Amtrak Staff.
v2.00 .....	October 27, 2015 .....	Revised by the State-Amtrak Intercity Passenger Rail Committee.
v3.00 .....	September 21, 2017 .....	Revised by the State-Amtrak Intercity Passenger Rail Committee.
v4.00 .....	June 13, 2018 .....	Revised by the State-Amtrak Intercity Passenger Rail Committee.
v5.00 .....	February 20, 2020 .....	Amended by the State-Amtrak Intercity Passenger Rail Committee (SAIPRC).

No proposals for changes to the cost formula have been presented by states and not approved by Amtrak.

*Question 5.* Does Amtrak believe that freight railroads are more incentivized to provide consistent on-time service when they are compensated at a market rate? If Amtrak were to pay a negotiated market rate to access host railroad infrastructure, how would Amtrak's budget be impacted?

*ANSWER.* On the freight railroad-owned rail lines over which Amtrak operates, there is no "market rate" because there is not a competitive market. In most cases, a single freight railroad has a governmentally-granted right to own and operate the only rail line over which an Amtrak train can operate—and unlike many freight shippers, Amtrak cannot shift its passengers to trucks if the freight railroad demands an excessive rate.

As described in my testimony at the hearing, the incremental cost-based rates Amtrak pays freight railroads reflect the public bargain the railroads accepted in 1970 in return for relief from their common carrier obligation to provide unprofitable intercity passenger rail service at their own expense. When Congress transferred the enormous financial burden of providing intercity passenger rail service from the private railroads to Amtrak, it did not intend to make the railroads' continuing obligation to accommodate Amtrak trains a new profit center for them, or to make it more costly for Amtrak to operate trains than it had been for the railroads themselves. However, in addition to the incremental costs Amtrak pays host railroads, those railroads can earn significant additional incentive payments for providing good on-time performance for Amtrak trains.

Any additional costs Amtrak might be required to pay to profitable freight railroads would necessitate increased congressional appropriations, increased payments by Amtrak's state partners who fund Amtrak's payments to host railroads pursuant to the methodology adopted under Section 209 of the Passenger Rail Investment and Improvement Act of 2008, reductions in Amtrak service, and/or diverting funds away from critical capital projects.

*Question 6.* Amtrak's November 16, 2020 press release following the final metrics and standards rule states that "more must be done" to allow Amtrak to enforce its right to preference. How can Amtrak know that "more must be done" before it has worked with freight railroads to adjust schedules for the new Customer OTP metric, and before the new metric goes into effect? What is it about Section 213 of the Passenger Rail Investment and Improvement Act that you believe is inadequate?

*ANSWER.* The public bargain with the freight railroads that relieved them of the obligation to operate unprofitable intercity passenger rail service and created Amtrak included an important condition: freight railroads would provide Amtrak passengers traveling over their rail lines with "preference" over freight transportation. The law has been clear for 47 years: except in an emergency, Amtrak must be provided with preference over freight transportation.

One of the reasons why freight railroads can delay our passengers while facing essentially no consequences is because Amtrak's ability to enforce our right to pref-

erence is limited. Only the U.S. Attorney General is allowed to bring a case, and in the 47 years since the preference law was enacted, the U.S. Department of Justice has brought only one case to enforce Amtrak's preference rights, in 1979.

More than ten years ago, Congress recognized the challenges that Amtrak faces regarding freight railroad noncompliance with the statutory right to preference and passed two provisions in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA): Section 207, which directed Amtrak and the Federal Railroad Administration together to develop metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, and Section 213, which set forth a new process for the Surface Transportation Board to investigate the causes of substandard on time performance.

Fundamentally, Amtrak's right to preference and PRIIA Sections 207 and 213 are separately set forth in the law and serve different purposes. Amtrak is hopeful that PRIIA Section 213 will be an effective mechanism in practice to hold all parties accountable to the on time performance standard in the metrics and standards rule. However, the standard has not gone into effect yet because the Association of American Railroads spent nearly a decade and millions of dollars fighting to prevent the implementation of the minimum standard. This is why Amtrak, our passengers, and the communities we serve cannot wait any longer. The fact is that the existence of the metrics and standards does not lessen the need for preference enforcement legislation that would allow Amtrak to seek to defend your constituents from being delayed by freight trains—an essential element of the bargain that led to the creation of Amtrak and not in any way contingent on the provisions enacted in PRIIA.

When freight trains are prioritized ahead of passengers in contravention of the law, Amtrak must be able to defend ourselves and our passengers, just as any other organization could seek to defend itself in the judicial system when rights provided by law are being violated. Consider the following analogy: while an individual who has been discriminated against may bring a case against their employer to the Equal Employment Opportunity Commission, that does not diminish the individual's right to bring a case under federal civil rights laws.

Finally, regarding schedules, customer OTP has been Amtrak's internal measure of reliability for several years, so many schedules have already been designed or modified to align with the customer OTP metric, such as the *San Joaquin* service in California and *Northeast Regional* trains that operate in Virginia. A number of trains regularly meet the standard today. For other routes, Amtrak and host railroads are nearing agreement on additional modifications. Amtrak looks forward to working with all host railroads on an ongoing basis to ensure that schedules offer trip-time competitive and reliable service to passengers.

**Question 7.** What are the non-freight railroad causes of delays in on time performance and how can these delays be fixed?

**ANSWER.** While a variety of factors may contribute to delays, it is important to note that host railroads cause the majority of delays to Amtrak passengers. In FY 2019 and FY 2020 respectively, host railroads caused 61% and 64% of total delays for Amtrak state supported and long distance trains. Freight train interference is the leading cause of delay and is largely responsible for the poor on time performance experienced on many long distance and state supported trains. In FY20 alone, Amtrak passengers experienced more than two million minutes of delay caused by host railroads, including nearly 800,000 minutes of delay caused by freight trains.

Outside of delays attributable to host railroads, a delay may be caused by Amtrak or a "third party," which means neither Amtrak nor the host railroad is responsible for the delay. Amtrak delays can include mechanical issues with the train or holding for additional time at a station to finish boarding. There are also numerous "third party" occurrences that can result in delay, including severe weather, issues along the right of way that require local police or fire department response, or other unpredictable incidents such as debris strikes. Please see Appendix A for additional information on the leading causes of delays.

Amtrak has implemented several initiatives designed to reduce the prevalence of Amtrak-caused and third party delay to state supported and long distance trains. These include:

- Undertaking a data-driven continuous improvement program. When a service or station fails to meet on-time performance targets, local managers conduct "after action reviews" with staff to identify the root causes of the performance issues. Corrective action plans are identified to mitigate the impact of the issue in the short term while actions to correct the problems for the longer term are developed and implemented.

- Increased use of mobile technology between onboard crews and station staff to orchestrate the positioning of personnel and equipment to expedite boarding and detraining of customers needing assistance.
- Targeted visibility improvements at bridges prone to vehicular traffic strikes, including clearing obscuring vegetation and dramatic use of high-visibility markings.
- Targeted HVAC and door systems to improve over-the-road reliability of passenger cars.
- Efforts to reduce PTC-related delays, including onboard equipment, signal infrastructure, and transitions between host railroad segments.
- Redistributed recovery time in schedules to improve on-time performance for customers throughout the route, not just at the final destination.
- Procuring ALC42 diesel locomotives to replace the aging fleet of P42 diesel locomotives, thereby improving fleet reliability across the National Network.
- Collaborating with local law enforcement to release trains as soon as it is safe to do so once any police activities along the right of way are completed.

*Question 8.* Isn't it true that Freight Train Interference (FTI) delays occur on portions of the network where Amtrak is the host railroad, such as the northeast corridor? Accordingly, isn't it true that even when Amtrak controls a line its operating on, Amtrak is unable to reduce Freight Train Interference to zero? Please provide the Subcommittee with FTI data on the portions of the network where Amtrak is the host railroad.

*ANSWER.* In FY 2020, there were 1,951 minutes of freight train interference delays on Amtrak-owned rail lines, one-third of which involved Amtrak passengers waiting to depart the origin station because of freight train derailments on host railroad segments later in the route. In contrast, there were more than 790,000 minutes of freight train interference delays on host railroad lines—*more than 400 times* the level on Amtrak rail lines.

Amtrak has never claimed that all delays should be reduced to zero. In fact, in Amtrak's annual Host Railroad Report Card, a host railroad can receive an "A" grade with as many as 900 minutes of delay per 10,000 train-miles.

QUESTION FROM HON. LLOYD SMUCKER TO STEPHEN J. GARDNER, SENIOR EXECUTIVE VICE PRESIDENT, CHIEF OPERATING AND COMMERCIAL OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Mr. Gardner testified that freight and interstate passenger rail can work together but he didn't finish because of technical issues. Could you identify how Amtrak and commuter agencies, like SEPTA, can work together without interfering with one another's service or imposing onerous costs and indemnification requirements on one another?

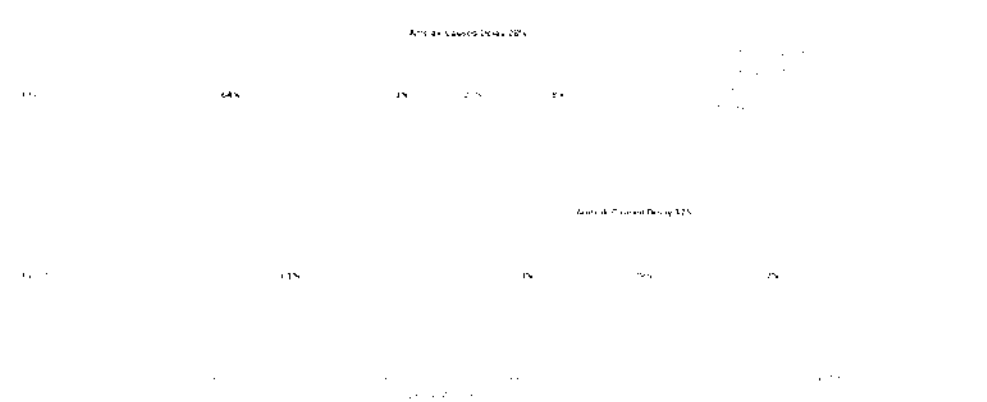
*ANSWER.* With respect to commuter and intercity passenger train operations over Amtrak-owned infrastructure, Amtrak and the commuter agencies have long-standing access and service agreements that address, among other things, a clear allocation of liability for injuries and damage involving our respective operations. Since establishing the Northeast Corridor Commission under PRIIA 212, owners and operators in the NEC have considered establishing a common liability approach and have agreed to a set of principles to guide development of a corridor-wide rubric. We can work together by continuing our efforts within the Commission to develop a common, consistent liability arrangement.

In addition to passenger train operations, NEC commuter agencies and Amtrak routinely enter into agreements to advance sole-benefit and/or joint benefit improvements to Amtrak-owned or commuter-owned infrastructure used in such operations, while protecting the operation of freight railroads with access rights to certain territories. Such jointly beneficial projects often include a direct financial contribution by Amtrak, but can also involve pursuit of federal grants via various competitive grant programs. For example, via the cooperative efforts of Amtrak, SEPTA and the Pennsylvania Department of Transportation (PennDOT), a federal grant of \$15.91 million was recently awarded for Harrisburg Line signal system upgrades via the FY 2020 Federal-State Partnership for State of Good Repair grant program; Amtrak, SEPTA and PennDOT will split the \$6 million local match requirement. We endeavor to support commuter projects without interfering with the operations of either railroad, however, due to the heavy volume of projects, limited field support personnel (due, in part, to the lack of a multi-year Federal funding program for Amtrak, which undercuts our ability to plan and invest for future years) and limited track outages, there is often a need to prioritize among projects. We try to give the commuters advance notice as to when we can support their projects and have embarked on a regional planning effort to provide more certainty. The agreements are

typically project-specific; however, Amtrak is making an effort to put in place modern, streamlined master project agreements with the commuter agencies (including SEPTA) so as to expedite the process for commencing individual projects.

#### APPENDIX A

#### Total Delay Incurred by Amtrak State Supported and Long Distance Trains: FY2019 & FY2020 by Delay Responsibility



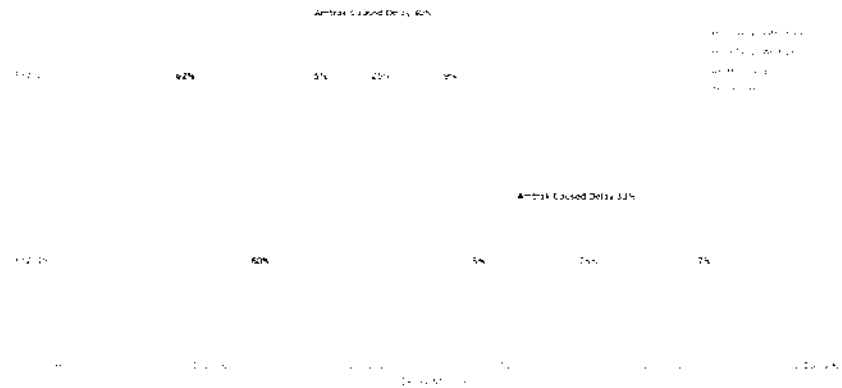
Excludes NOD-coded (waiting for scheduled departure time) minutes.

**Top Delay Incurred by Amtrak State Supported and Long Distance Trains: FY2019 & FY2020**  
by Delay Responsibility and Code

Responsibility		FY2020		FY2019		Description
Host Resp (Other RR)	Total .....	2,178,663	100%	2,970,706	100%	
	FTI .....	774,029	36%	1,027,419	35%	Delays from freight trains.
	DSR .....	469,394	22%	556,834	19%	Temporary slow orders, except heat or cold orders.
	PTI .....	328,807	15%	521,042	18%	Delays for meeting or following other passenger trains.
	All Other	606,433	28%	865,411	29%	
Host Resp (Amtrak) ...	Total .....	85,526	100%	149,397	100%	
	PTI .....	17,717	21%	32,477	22%	Delays for meeting or following other passenger trains.
	DSR .....	14,362	17%	29,489	20%	Temporary slow orders, except heat or cold orders.
	DCS .....	14,023	16%	26,725	18%	Signal failure or other signal delays.
	All Other	39,424	46%	60,706	41%	
Amtrak Resp .....	Total .....	852,298	100%	1,389,339	100%	
	SYS .....	232,297	27%	359,195	26%	Delays related to crews including lateness.
	ENG .....	116,762	14%	157,181	11%	lone-engineer delays.
	OTH .....	116,590	14%	143,672	10%	Mechanical failure on engines.
	All Other	386,649	45%	729,291	52%	Lost-on-run, heavy trains, unable to make normal speed, etc.
Third Party .....	Total .....	277,179	100%	323,099	100%	
	WTR .....	109,309	39%	126,087	39%	All severe-weather delays.
	TRS .....	65,630	24%	68,898	21%	Trespasser incidents including road crossing accidents.
	POL .....	64,035	23%	79,012	24%	Police/fire department holds on right-of-way or on-board trains.
	All Other	38,205	14%	49,102	15%	

Excludes NOD coded (waiting for scheduled departure time) minutes.

**Total Delay Incurred by Amtrak State Supported Trains: FY2019 & FY2020  
by Delay Responsibility**



Excludes NOD-coded (waiting for scheduled departure time) minutes.



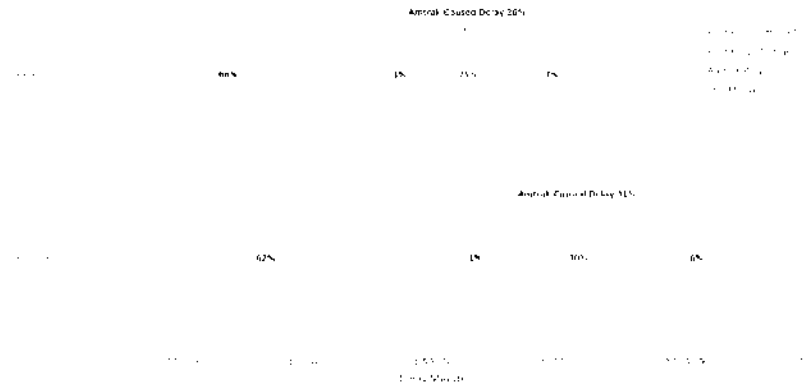
**Top Delay Incurred by Amtrak State Supported Trains: FY2019 & FY2020**

by Delay Responsibility and Code

Responsibility		FY2020		FY2019		Description
Host Resp (Other RR)	Total .....	834,618	100%	1,330,829	100%	
	FTI .....	205,553	25%	331,402	25%	Delays from freight trains.
	PTI .....	171,716	21%	301,471	23%	Delays for meeting or following other passenger trains.
	DSR .....	155,375	19%	223,617	17%	Temporary slow orders, except heat or cold orders.
	All Other	301,974	36%	474,339	36%	
Host Resp (Amtrak) ...	Total .....	61,209	100%	111,163	100%	
	DSR .....	12,098	20%	26,871	24%	Temporary slow orders, except heat or cold orders.
	PTI .....	11,770	19%	24,482	22%	Delays for meeting or following other passenger trains.
	DCS .....	9,437	15%	18,847	17%	Signal failure or other signal delays.
	All Other	27,904	46%	40,963	37%	
Amtrak Resp .....	Total .....	333,809	100%	611,505	100%	
	SYS .....	91,776	27%	153,976	25%	Delays related to crews including lateness, lone-engineer delays.
	OTH .....	55,563	17%	79,678	13%	Lost-on-run, heavy trains, unable to make normal speed, etc.
	ENG .....	45,185	14%	76,386	12%	Mechanical failure on engines.
	All Other	141,285	42%	301,465	49%	
Third Party .....	Total .....	124,596	100%	153,299	100%	
	WTR .....	39,218	31%	44,697	29%	All severe-weather delays.
	TRS .....	33,900	27%	42,958	28%	Trespasser incidents including road crossing accidents.
	POL .....	31,097	25%	34,969	23%	Police/fire department holds on right-of-way or on-board trains.
	All Other	20,381	16%	30,675	20%	

Excludes NOD coded (waiting for scheduled departure time) minutes.

**Total Delay Incurred by Amtrak Long Distance Trains: FY2019 & FY2020  
by Delay Responsibility**



Excludes NOD-coded (waiting for scheduled departure time) minutes.

**Top Delay Incurred by Amtrak Long Distance Trains: FY2019 & FY2020**

by Delay Responsibility and Code

Responsibility		FY2020		FY2019		Description
Host Resp (Other RR)	Total .....	1,344,045	100%	1,639,877	100%	
	FTI .....	568,476	42%	696,017	42%	Delays from freight trains.
	DSR .....	314,019	23%	333,217	20%	Temporary slow orders, except heat or cold orders.
	PTI .....	157,091	12%	219,571	13%	Delays for meeting or following other passenger trains.
	All Other	304,459	23%	391,072	24%	
Host Resp (Amtrak) ...	Total .....	24,317	100%	38,234	100%	
	PTI .....	5,947	24%	7,995	21%	Delays for meeting or following other passenger trains.
	DCS .....	4,586	19%	7,878	21%	Signal failure or other signal delays.
	RTE .....	3,445	14%	4,737	12%	Routing-dispatching delays including diversions.
	All Other	10,339	43%	17,624	46%	
Amtrak Resp .....	Total .....	518,489	100%	777,834	100%	
	SYS .....	140,521	27%	205,219	26%	Delays related to crews including lateness, lone-engineer delays.
	SVS .....	85,875	17%	108,509	14%	All switching and servicing delays.
	ENG .....	71,577	14%	80,795	10%	Mechanical failure on engines.
	All Other	220,516	43%	383,311	49%	
Third Party .....	Total .....	152,583	100%	169,800	100%	
	WTR .....	70,091	46%	81,390	48%	All severe-weather delays.
	TRS .....	34,533	23%	33,929	20%	Trespasser incidents including road crossing accidents.
	POL .....	30,135	20%	36,054	21%	Police/fire department holds on right-of-way or on-board trains.
	All Other	17,824	12%	18,427	11%	

Excludes NOD-coded (waiting for scheduled departure time) minutes

## APPENDIX

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QUESTIONS FROM HON. PETER A. DEFazio TO RICHARD ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* Amtrak's FY 2020 grant request stated that, "Comparing February 2019 with the same month in 2018, delays to Amtrak trains due to Private Cars (excluding one delay related to a service disruption) have declined by over 87%." Because the number of delays were not provided for the years referenced, it is difficult to assess the frequency of delays. However, the October 14, 2019 Amtrak Inspector General's report (OIG-A-2020-001) states that Amtrak's Finance Department "provided data showing that private railcar operations resulted in more than 2,800 minutes of delay in the first 5 months of FY 2018—an average of 21 minutes per move." Given that Amtrak has data on these delays, please provide, for each delay attributed to a private car in FY 2018, the location, date, and number of minutes of delay.

*ANSWER.* The itemized data requested is commercially sensitive. However, we can release summary information to staff via a briefing. However, FY 2018 showed a 43.4% reduction in private car-related delay minutes, as compared to FY 2017.

*Question 2.* Mr. Anderson knows that airlines make a lot of money off of business class and first-class services. Airlines invest in premium seating, dining, and the overall experience for passengers—and passengers are willing to pay for that service, sometimes 10 times the cost of a coach seat. But Amtrak seems to be going the opposite direction for and reducing premium services across the board—like parlor and dining car meal service—for their overnight and first class passengers. What onboard services bring in the most revenue for Amtrak? Has Amtrak done any polling or research to see if some passengers would be willing to pay more for premium services, and what those services might be, on the long-distance routes? If so, please provide that data to the Committee.

*ANSWER.* Amtrak offers a variety of onboard services across the three service lines and addresses the unique customer needs in each segment of the business. For example, premium product offerings defined as First Class are offered only on Amtrak's *Acela* service in the Northeast Corridor. Premium products in the long distance network are represented by sleeper car services, with a distinction in product quality between bedroom and roomette products. Amtrak gathers customer feedback via many channels including careful monitoring of demand patterns which represent what customers are willing to pay for Amtrak services. Market research is gathered on service attribute details from current and potential customers, and Amtrak continues to identify and develop product enhancements addressing what customers indicate they find valuable to them. Through pricing and inventory management, Amtrak works to assure that all its product offerings are optimally priced in the marketplace.

*Question 3.* In June 2019, I wrote to you raising concerns for the announced reduction to the Amtrak Police Department (APD) workforce, requesting specific information about the assessment Amtrak used to determine the size of the cuts, how the cuts would be implemented, and their impacts to safety and security. In his October 2019 reply, Mr. Stadler wrote that Amtrak determined that more officers are needed to patrol trains, not just stations, and that the changes being made to the police force would "reallocate" their physical presence to provide a more visible deterrent to the crimes Amtrak is experiencing.

3.a. At the hearing, you stated Amtrak has data that shows it "dramatically increased the number of policemen riding on our trains, visible in our stations." Please provide that data.

*ANSWER.* Amtrak's first priority is to provide a safe and secure experience for our customers and our employees. Amtrak has more than 450 police personnel. We want the right level of safety and security for our customers and employees, including keeping our passengers and employees safe on trains and in stations, securing right-

of-ways, and deterring threats. Our APD staff is spread out across our entire 46-state, 21,000-mile network, and we continually work to ensure they are stationed where they can have the biggest impact on safety and security of our passengers.

To that end, our data have shown an increase in safety incidents on trains, in stations and along rights-of-way. The goal of our recent redeployments is to have more APD presence at these locations, as uniformed police presence is proven to deter criminal activity. This means more uniformed personnel on trains and in stations, in the areas where the risk is highest. We identified the appropriate number of APD staff for each location based on six criteria: ridership; miles of right-of-way; Part A criminal offenses (person); Part B criminal offenses (property); non-critical incidents, including medical emergencies; and calls for service (911). Our rationale is that with more APD staff in high-priority areas making them more present to the most passengers and employees, we can deliver the same or better safety and security performance while honoring our Congressional mandate to deliver these services more efficiently. Since we've deployed officer in the manner, year-to-date train rides have increased 75 percent or by almost 50,000 additional segment rides, and overall patrol activity has increased by 67 percent resulting in 138,000 additional activities. We will continue to carefully monitor safety incidents across our network.

3.b. Please indicate the number of APD employees employed on May 3, 2019 and on November 1, 2019 and specify how many of those were uniformed officers. If Amtrak intends to continue reducing the size of the APD workforce, please indicate the target number of APD employees, including how many of those will be uniformed officers.

ANSWER. Please see attached table for a breakdown of force size at various dates.

QUESTIONS FROM HON. PETER A. DEFazio ON BEHALF OF HON. ANTHONY G. BROWN TO RICHARD ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 4.* MARC's Penn Line operates on Amtrak's Northeast Corridor, and its operations are limited in terms of speed, frequency and reliability by the Civil War-era B&P Tunnel in Baltimore. The replacement of this tunnel is required to run more MARC trains, which will triple MARC Penn Line ridership and greatly enhance the economic and transit-oriented development potential along the corridor. The B&P Tunnel has been identified as the second priority for Amtrak outside of the Gateway Program, and it has a completed EIS from 2017 for its replacement. However, it is my understanding that Amtrak has made limited progress to advance the design of the tunnel, address community concerns or identify a funding strategy since spring 2017.

What progress has been made to advance the B&P Tunnel over the past 12 months?

ANSWER:

- Continued development of advanced utility, track (Charles Interlocking Configuration), and bridge (Franklinton, Lafayette, Warwick) design.
- Developing Benefit-Cost Analysis (BCA) for Project to support future grant applications.
- Engaged property owner/real estate developer for key properties.
- Coordinated with BGE (local utility company) regarding utility relocations and new utility service.

Where will this project be in terms of development at the end of 2020?

ANSWER. The project will continue the engineering refinements and high-level project delivery strategies to address community concerns, reduce overall project costs, and increase operational efficiencies. The project team continues to analyze and compare the overall benefits and costs by engaging key stakeholders, including the FRA, Maryland Department of Transportation (MDOT), state and local officials, and Norfolk Southern and CSX representatives. In FY20, the project will continue design development of major project elements, including the Franklinton and Warwick Undergrade Bridges, CSX Bridge Pier Relocation, and Track A Winans to Bridge Upgrade; assess existing municipal infrastructure and subsurface utility engineering; perform additional geotechnical investigations for the Tunnel; and pursue strategic/priority right-of-way acquisitions.

What hurdles exist to move forward on this project?

ANSWER. A significant hurdle is obtaining commitments to providing financial resources by funding partners. In the near term (FY20-FY21), Amtrak has funding to progress design; however, design review agreements and executed Memoranda of

Understanding with numerous public and private entities are required and will require considerable effort to complete.

QUESTION FROM HON. GRACE F. NAPOLITANO TO RICHARD ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* The freight rail industry is deploying increasingly long trains that present substantial safety risks while creating difficulties for communities when they block grade crossings for prolonged periods. The GAO recently reported that average train length has increased by approximately 25 percent since 2008, with carriers regularly operating trains as long as three miles. Further, the implementation of precision scheduled railroading has also led to greater reliance on the operation of fewer, but longer, trains.

At the hearing, I asked you about the impacts of long trains on Amtrak's performance, given that Amtrak and the freight railroads generally operate on the same track. Can you expand on how lengthy freight trains and precision scheduled railroading have impacted Amtrak?

ANSWER. Efficiency is essential for a national rail system that benefits passengers and freight customers alike and Amtrak has frequently supported efforts to enhance the efficiency of this system. We have undertaken joint initiatives with host railroads to facilitate more effective dispatching and submitted joint applications for grants to expand rail network capacity. We understand that Precision Scheduled Railroading (or "PSR") is an approach to operations implemented by some freight railroads seeking to increase operating efficiency while also improving economics for the company. There are examples of this approach leading to more efficient operations for both the freight carrier and Amtrak passengers.

However, it has been our experience that the operational changes associated with some freight railroads' implementation of PSR can lead to just the opposite: a network less fluid than it was before and more likely to cause significant and disruptive delays to passengers.

Often the inefficiencies are driven by the operation of trains too long for the existing rail infrastructure. Historically, railroads operated trains that could efficiently pass each other in sidings. One operating technique typically deployed as a strategic priority of PSR is the lengthening of freight trains, regardless of the length of the existing sidings on the line. This is occurring in many places across the rail network today, as confirmed by a recent report from the Government Accountability Office.<sup>1</sup>

Whenever a freight train and an Amtrak train are approaching each other on a single track, one of the trains must enter a siding to let the other pass. By law, except in emergencies, freight railroads must provide Amtrak with preference over freight transportation. However, when a freight train is too long to fit in the siding, there is only one option: the Amtrak train must enter the siding and wait for the freight train to pass on the main track. Each time this happens, delays mount as our passengers sit and watch the freight train pass by.

In other words, an operating practice aimed to benefit freight railroad shareholders and executives occurs at the expense of delayed Amtrak passengers.

This happens on several Amtrak routes, and on one service the collateral damage to Amtrak passengers from the applications of this PSR practice is particularly acute.

The *Missouri River Runner* consists of two roundtrip daily trains funded by the State of Missouri, serving 170,000 riders between St. Louis and Kansas City, offering a convenient, efficient, and sustainable alternative to other travel modes.

However, as a result of recently deployed PSR "long-train" practices, Amtrak passengers have experienced extreme delays from freight trains. From April to August 2019, delays caused by freight trains rose more than 500%. Only 38% of Amtrak's customers were on-time in August and September, a 43-point decline from the prior year. Most of these customers averaged more than an hour late arriving at their destination.

Driving this increase in freight train delays is the operation of freight trains that are significantly longer than the capacity of the line's sidings. Such decisions reduce network fluidity and limit the resiliency of the operation, leading to compounding delays when there are freight train failures or other issues that cause trains to block the entire line. On the *Missouri River Runner*, Amtrak trains are regularly either forced into sidings to wait for freight trains to pass or to follow slower freight trains for miles until there is an opportunity to overtake the freight train, if at all.

<sup>1</sup> United States Government Accountability Office, "Freight Trains Are Getting Longer, and Additional Information Is Needed to Assess Their Impact," May 2019.

*Missouri River Runner* trains were delayed 133 hours by freight trains in August and September alone, even though the host's freight traffic declined in the third quarter. These delays are usually extremely disruptive to customers, as shown by a sampling of these events from the last several months:

- An Amtrak train that had been operating on-time then followed a freight train for the remaining 151 miles of the route, causing nearly three and a half hours of delay.
- An Amtrak train followed a 10,000-foot freight train for 67 miles, causing one and a half hours of delay. Upon arriving at an intermediate station more than two hours late, Amtrak had to terminate the train as the crew of a freight train ahead needed to be replaced, blocking the entire route. This also led to the cancellation of another Amtrak train.
- An Amtrak train followed a nearly 17,000-foot freight train for 69 miles, causing two hours of delay. These delays also led to the return train departing its origin station two and a half hours late.
- An Amtrak train followed a 12,000-foot freight train for 66 miles, causing one and a half hours of delay.
- An Amtrak train was delayed for a total of one and a half hours due to meeting or following six freight trains.

Every day, there are passengers across the country experiencing severe delays caused by freight trains. With the increasing adoption of Precision Scheduled Railroading and the operation of ever-longer freight trains, passengers become less likely to receive the preference over freight transportation that has been the law for over 45 years. Until action is taken to address these issues, Amtrak passengers will continue to suffer the consequences and wait for freight to operate first.

QUESTIONS FROM HON. STEVE COHEN TO RICHARD ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

*Question 1.* You stated that decisions such as eliminating dining car service are based on market survey data and customer feedback. You also mentioned Amtrak sends an online survey to all your customers after each trip.

1.a. Does every single Amtrak customer receive a survey or is it based on certain routes?

*ANSWER.* We survey customers to ensure responses from people who have traveled in every combination of route and class of service we offer. Every day Amtrak surveys a random sample of our customers who traveled on that day. We monitor the response rate to ensure that we obtain enough responses for each of the classes of service on each of our 45 routes to represent accurately all our customers who traveled.

1.b. What percentage of your total ridership has received an Amtrak survey in the past two years?

*ANSWER.* We determine how many customers that we contact each day based on the expected response rate for each route. The number of monthly customer responses needed each month will vary by route, based on the level of detail that we report the results. The percent of total ridership will vary by route. The percent will be higher for relatively low ridership routes and lower for relatively higher ridership routes. In FY 2019, we emailed about two million requests for customers to complete a satisfaction survey, about 6% of our total FY 2019 trips.

1.c. What percentage of those who received a survey responded?

*ANSWER.* About 9% of the customers who received a request to fill out a survey responded.

*Question 2.* Please provide the Committee with a copy of all surveys that were distributed to riders in the past two years.

*ANSWER.* Attached is the standard questionnaire that we use to measure customer satisfaction for our long distance routes. In addition to questions on this questionnaire, we have asked about 400 additional questions over the last two years on several additional surveys that were added to at the end of this survey regarding specific service attributes. Given this significant volume of questionnaires and questions, we will need a more specific criteria for determining which surveys to provide.

*Question 3.* What percentage of survey respondents indicated that they preferred an alternative dining solution to the dining car service?

*ANSWER.* We have seen very positive trends in customer acceptance since introducing the new model. Utilizing the same dining car, our focus has been on updating the delivery model to a more contemporary offering. Like most service changes,

the process of managing customer expectations is an ongoing part of our service transformation.

3.a. Please provide a breakdown of the demographics of these respondents.

ANSWER:

	Total Amtrak	NEC	Long Distance	State Supported
<b>Gender</b>				
Male .....	40%	42%	39%	38%
Female .....	60%	58%	61%	62%
<b>Age</b>				
18–34 .....	18%	19%	16%	19%
35–54 .....	32%	34%	30%	31%
55+ .....	49%	47%	53%	49%
Average .....	51	51	53	51
<b>Ethnicity</b>				
White .....	77%	80%	72%	76%
African-American/Black .....	8%	7%	15%	7%
Other .....	15%	13%	13%	17%
Spanish/Hispanic .....	7%	5%	7%	9%
<b>Employment</b>				
Employed .....	67%	75%	57%	63%
Student .....	5%	3%	4%	6%
Retired .....	24%	18%	32%	26%
Homemaker .....	2%	2%	3%	2%
<b>HH Income</b>				
Under \$50K .....	19%	10%	31%	23%
\$50K–\$74.99K .....	16%	12%	20%	17%
\$75K+ .....	65%	78%	49%	60%
Average .....	\$122K	\$149K	\$91K	\$109K
<b>Education</b>				
HS graduate or less .....	5%	3%	9%	6%
Some college/tech. school .....	18%	10%	26%	21%
College graduate .....	36%	36%	35%	37%
Graduate school .....	41%	52%	30%	35%

**Question 4** Please provide a rationale and methodology for how customer feedback on dining options factored into the decision to eliminate dining car service on many of Amtrak's long-distance routes.

ANSWER. The food and beverage model for the single-night trains in the East was complex and outdated. The transition to the “Contemporary” model enabled us to leverage new technology within the food service industry to improve our meal offerings while simplifying the way we service our customers to one single aligned process. The new format will also provide us with an opportunity to respond to the increasing special meal requirements of our customers in a more effective manner.

**Question 5.** Has the feedback been more positive or negative on the long-distance routes since the dining services were changed based on survey feedback?

ANSWER. Since the implementation of the “Contemporary” dining concept on the *Capitol Limited* and *Lake Shore Limited* in June 2018, Amtrak has continued to refine the product, adding a hot entrée in July 2018 and expanding our hot options in January 2019. On October 1, 2019, we introduced a new, refreshed menu offering five hot meal options and expanding the service onto the *Cardinal*, *City of New Orleans*, *Crescent*, and *Silver Meteor*. Feedback continues to improve as we make additional enhancements.



*Question 6.* What efforts are being made to make the customer aware of the survey and to encourage completion?

*ANSWER.* Amtrak has recently entered in an agreement with a new market research vendor which will result in a significantly more effective market research program. Improvements include expansion to multiple modes of surveys, adding text surveys, on-line surveys, and mobile app surveys to our current use of emailed surveys. We will also enhance our questionnaires and reporting. We expect these changes will result in a significant increase in both the number of customers to whom we will send survey requests and the survey completion rate.

#### APPENDIX A

Table mentioned in response to Chairman DeFazio's Question 3.b.:

3.b. Please indicate the number of APD employees employed on May 3, 2019 and on November 1, 2019 and specify how many of those were uniformed officers. If Amtrak intends to continue reducing the size of the APD workforce, please indicate the target number of APD employees, including how many of those will be uniformed officers.

#### APD Position Reconciliation by Region

	Actual 5/3/2019	Actual 10/4/2019	Actual 11/15/2019	Change (October to Present)	Proposed 2020 Staffing Level	Current versus proposed 2020
<b>New York (Adams, NY, Sunnyside)</b>						
Deputy Chief .....	1	1	1	0	1	0
Inspector .....	1	1	1	0	1	0
Captain .....	1	1	1	0	1	0
Lieutenant .....	1	1	1	0	1	0
Sergeants .....	15	14	13	-1	14	1
Police Officers .....	53	48	48	0	56	8
Detectives .....	2	1	3	2	1	-2
Security Guards .....	5	5	5	0	5	0
Emergency Manager .....	1	1	1	0	1	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	81	74	75	1	82	7
<b>New England (Albany, Boston, New Haven, New London, Niagra Falls, Portland, Providence, Springfield)</b>						
Deputy Chief .....	1	0	0	0	0	0
Inspector .....	0	0	0	0	0	0
Captain .....	2	2	2	0	2	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	7	7	7	0	7	0
Police Officers .....	43	38	36	-2	38	2
Detectives .....	4	4	2	-2	3	1
Security Guards .....	0	0	0	0	0	0
Emergency Manager .....	1	0	0	0	0	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	59	52	48	-4	51	3

## APD Position Reconciliation by Region—Continued

	Actual 5/3/2019	Actual 10/4/2019	Actual 11/15/2019	Change (October to Present)	Proposed 2020 Staffing Level	Current versus proposed 2020
<b>Central (Chicago, Beech Grove, New Orleans, Niles, St. Louis, Milwaukee)</b>						
Deputy Chief .....	1	1	1	0	1	0
Inspector .....		0	0	0	0	0
Captain .....	2	1	2	1	2	0
Lieutenant .....		0	0	0	0	0
Sergeants .....	7	6	5	-1	5	0
Police Officers .....	30	27	26	-1	31	5
Detectives .....	7	6	6	0	6	0
Security Guards .....	0	0	0	0	0	0
Emergency Manager .....	1	1	1	0	1	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	49	43	42	-1	47	5
<b>West (Bakersfield, Emeryville, Los Angeles, Oakland, Portland, Sacramento, San Diego, San Jose, Seattle, Stockton)</b>						
Deputy Chief .....	0	0	0	0	0	0
Inspector .....	0	0	0	0	0	0
Captain .....	0	1	2	1	2	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	3	3	3	0	3	0
Police Officers .....	18	15	17	2	23	6
Detectives .....	3	3	3	0	3	0
Security Guards .....	0	0	0	0	0	0
Emergency Manager .....	1	1	1	0	1	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	26	24	27	3	33	6
<b>Mid-South (Baltimore, Raleigh, Richmond, Sanford, Washington)</b>						
Deputy Chief .....	1	0	1	1	0	-1
Inspector .....	0	0	0	0	0	0
Captain .....	2	2	2	0	2	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	11	11	11	0	11	0
Police Officers .....	30	31	29	-2	36	7
Detectives .....	4	4	4	0	4	0
Security Guards .....	1	1	1	0	1	0
Emergency Manager .....	1	1	1	0	1	0
Assoc. Project Manager .....	0	0	0	0	0	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	51	51	50	-1	56	6
<b>Mid-North (Bear, CNOC, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Wilmington)</b>						
Deputy Chief .....	0	1	1	0	1	0
Inspector .....	0	0	0	0	0	0
Captain .....	2	2	2	0	2	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	11	10	10	0	10	0
Police Officers .....	53	52	51	-1	45	-6
Detectives .....	1	1	1	0	1	0
Security Guards .....	7	7	7	0	7	0
Emergency Manager .....	1	1	1	0	1	0
Secretary .....	1	1	1	0	1	0
SubTotal .....	76	75	74	-1	68	-6

## APD Position Reconciliation by Region—Continued

	Actual 5/3/2019	Actual 10/4/2019	Actual 11/15/2019	Change (October to Present)	Proposed 2020 Staffing Level	Current versus proposed 2020
<b>Corp Security</b>						
Sr. Dir. Business Services .....	1	1	1	0	1	0
Sr. Continuity Ops Mgr. ....	1	1	1	0	1	0
Sr. Program Manager .....	2	2	1	-1	2	1
Electronic Security Systems Mgr. ....	1	1	1	0	1	0
Lead Video Systems Administrator .....	1	1	1	0	1	0
Sr. Dir. Corp Security .....	0	0	0	0	0	0
Sr. Cap'l Sec'y Program Mgr. ....	1	0	0	0	0	0
Manager Smart ID .....	1	0	0	0	1	1
Lead Acc Cont Syst Adm'r .....	1	1	1	0	1	0
Sr. Project Manager .....	0	0	0	0	0	0
Identification Card Specialist .....	3	3	3	0	3	0
SubTotal .....	12	10	9	-1	11	2
<b>SOU</b>						
Deputy Chief .....	1	1	0	-1	0	0
Inspector .....	1	0	0	0	0	0
Captain .....	0	0	1	1	0	-1
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	3	3	3	0	3	0
Special Agents .....	24	22	22	0	22	0
Detectives .....	0	0	0	0	0	0
Security Guards .....	0	0	0	0	0	0
Emergency Manager .....	0	0	0	0	0	0
Assoc. Project Manager .....	1	1	1	0	1	0
SubTotal .....	30	27	27	0	26	-1
<b>Canine</b>						
Deputy Chief .....	0	0	0	0	0	0
Inspector .....	0	0	0	0	0	0
Captain .....	2	2	1	-1	1	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	7	8	8	0	8	0
Police Officers .....	47	45	49	4	49	0
Detectives .....	0	0	0	0	0	0
Security Guards .....	0	0	0	0	0	0
Emergency Manager .....	0	0	0	0	0	0
Secretary .....	0	0	0	0	0	0
SubTotal .....	56	55	58	3	58	0
<b>Strategic Operations</b>						
Deputy Chief .....	1	1	1	0	1	0
Inspector .....	1	1	1	0	1	0
Captain .....	2	0	0	0	0	0
Lieutenant .....	0	0	0	0	0	0
Sergeants .....	8	7	7	0	7	0
Police Officers .....	3	2	2	0	2	0
Recruitment Records .....	1	1	1	0	1	0
NCC Manager .....	1	1	1	0	1	0
Business Services .....	1	1	1	0	1	0
Communication Officers .....	20	17	18	1	19	1
Emergency Manager .....	1	1	1	0	1	0
Secretary .....	1	1	0	-1	0	0
SubTotal .....	40	33	33	0	34	1

## APD Position Reconciliation by Region—Continued

	Actual 5/3/2019	Actual 10/4/2019	Actual 11/15/2019	Change (October to Present)	Proposed 2020 Staffing Level	Current versus proposed 2020
<b>OPR, Intel, COP</b>						
Chief of Police .....	1	1	1	0	1	0
Assistant Chief .....	1	1	1	0	1	0
Deputy Chief .....	0	0	0	0	0	0
Inspector .....	2	2	2	0	2	0
Captain .....	2	3	2	-1	2	0
Sergeants .....	0	2	2	0	2	0
Detectives .....	8	6	6	0	6	0
Sr. Executive Assistant .....	1	1	1	0	1	0
Dir. Admin .....	1	1	1	0	1	0
Business Services Mgr. ....	1	1	1	0	1	0
Lead Comm's Specialist .....	2	2	2	0	2	0
Computer Technician .....	0	1	1	0	1	0
Data Reporting Specialist .....	1	1	1	0	1	0
Lead Systems Admin .....	1	1	1	0	1	0
Mgr. Infrastructure .....	0	1	1	0	1	0
Secretary .....	1	0	0	0	0	0
SubTotal .....	22	24	23	-1	23	0
Total .....	502	468	466	-2	489	23

## APPENDIX B

Questionnaire mentioned in response to Mr. Cohen's Question 2:  
*Question 2.* Please provide the Committee with a copy of all surveys that were distributed to riders in the past two years.

WBA Research  
 Job #15-837A  
 November 2015

**Amtrak eCSI Questionnaire**  
**Version A – LD – Long Distance**

QUOTAS	
Silver Star	
Cardinal	
Silver Meteor	
Empire Builder	
Capitol Ltd	
California Zephyr	
Southwest Chief	
City of New Orleans	
Texas Eagle	
Sunset Ltd.	
Coast Starlight	
Lake Shore Ltd.	
Crescent	
Auto Train	
Total	

SA SAMPLE ROUTE (FROM SAMPLE, DO NOT ASK):

16 Silver Star  
 18 Cardinal  
 19 Silver Meteor  
 25 Empire Builder  
 26 Capitol Ltd  
 27 California Zephyr  
 28 Southwest Chief  
 30 City of New Orleans  
 32 Texas Eagle  
 33 Sunset Ltd.  
 34 Coast Starlight  
 45 Lake Shore Ltd.  
 F2 Crescent  
 F3 Auto Train

SB SAMPLE SERVICE CLASS (FROM SAMPLE, DO NOT ASK):

C1 Coach  
 C2 Sleeper  
 C3 Business

**INTRODUCTION:**

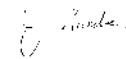
We appreciate you traveling with Amtrak.

Our records indicate that you traveled from **[INSERT ORIGIN STATION]** to **[INSERT DESTINATION STATION]** on **[INSERT TRAVEL DATE]**. We hope that all of our customers are satisfied with their travel experience, and we constantly strive to improve our service every day. Of course, the best way to improve Amtrak is to ask you, our valued customer, about your experience with us.

I hope that you will take a few minutes to share your opinions about your recent trip by completing this short questionnaire. You have been selected to evaluate your trip from **[INSERT ORIGIN STATION]** to **[INSERT DESTINATION STATION]** on **[INSERT TRAVEL DATE]**. Even though you may have taken other trains during this trip (or made other Amtrak trips recently), I would appreciate it if you would answer questions with this specific segment of your train trip in mind.

Thank you for participating in this online survey and for choosing Amtrak. Your opinions are extremely important to all of us at Amtrak.

Sincerely,



J. Sundman  
Director, Market Research & Analysis

S3: On which of the following types of devices are you completing this survey?

- C1 Desktop computer
- C2 Laptop computer
- C3 Tablet (such as an iPad or Kindle)
- C4 Smartphone
- C5 Some other type of internet-enabled device

**INCLUDE ON EACH SCREEN WITH RATINGS QUESTIONS:**

Using this scale where '100' is 'Very Satisfied' and '0' is 'Very Dissatisfied', please tell us how satisfied you were with each of the following aspects of service during your trip from **[INSERT ORIGIN STATION]** to **[INSERT DESTINATION STATION]** on **[INSERT TRAVEL DATE]**. For each aspect of service, select the rating in the boxes below that best describes your satisfaction with the service. Please select 'NA' or 'Not Applicable' for any question that you feel does not apply to you.

At the Boarding Station...		Very Dissatisfied ↓										Very Satisfied ↓		NA
1	Accuracy of information received about the train trip prior to boarding the train	0	10	20	30	40	50	60	70	80	90	100	999	
2	Friendliness/helpfulness of station personnel at boarding station	0	10	20	30	40	50	60	70	80	90	100	999	

3A. Which of the following did you use to make your travel arrangements for your trip from [INSERT ORIGIN STATION] to [INSERT DESTINATION STATION] on [INSERT DATE]? Please choose only one response. (RANDOMIZE. ACCEPT ONLY ONE RESPONSE.)

- Q1 The automated voice recognition system via Amtrak's 1-800 toll free number that uses a woman's voice who introduces herself as Julie
- Q2 A live telephone agent via Amtrak's 1-800 toll free number
- Q3 An Amtrak agent at the station ticket counter
- Q4 A corporate travel planner or agent
- Q5 A private travel agent
- Q6 An Amtrak Vacations agent
- Q7 A self-service ticketing machine in the station called Quik-Trak
- Q8 The Amtrak web site, Amtrak.com
- Q9 The Amtrak app
- Q5 Or some other way (Specify \_\_\_\_\_):

IF Q3A(01-09), ASK Q3B AND Q3C

IF Q3A(01) INSERT "the automated voice recognition system via Amtrak's 1-800 toll free number that uses a woman's voice who introduces herself as Julie"

IF Q3A(02) INSERT "the live telephone agent via Amtrak's 1-800 toll free number"

IF Q3A(03) INSERT "the Amtrak agent at the station ticket counter"

IF Q3A(04) INSERT "your corporate travel planner or agent"

IF Q3A(05) INSERT "your private travel agent"

IF Q3A(06) INSERT "the Amtrak Vacations agent"

IF Q3A(07) INSERT "the self-service ticketing machine in the station called Quik-Trak"

IF Q3A(08) INSERT "the Amtrak web site, Amtrak.com"

IF Q3A(09) INSERT "the Amtrak app"

3B. Overall, how satisfied were you with [INSERT 3A RESPONSE]?

Very Dissatisfied										Very Satisfied		NA
↓										↓		
0	10	20	30	40	50	60	70	80	90	100	99%	

3C. Overall, how satisfied were you with the ease of making your reservations through [INSERT 3A RESPONSE]?

Very Dissatisfied										Very Satisfied		NA 99%
↓										↓		
D	10	20	30	40	50	60	70	80	90	100		

**ASK EVERYONE:**

At the Boarding Station...	Very Dissatisfied ↓										Very Satisfied ↓	NA
6 Availability of station signage/announcements at boarding station	0	10	20	30	40	50	60	70	80	90	100	999
7 Clarity of station signage/announcements at boarding station	0	10	20	30	40	50	60	70	80	90	100	999
8 Personal safety at boarding station	0	10	20	30	40	50	60	70	80	90	100	999
9 Ease of train boarding process	0	10	20	30	40	50	60	70	80	90	100	999
10 Overall cleanliness of the boarding station	0	10	20	30	40	50	60	70	80	90	100	999
11 Overall condition of the train platform and boarding area	0	10	20	30	40	50	60	70	80	90	100	999
12 Overall station experience at the boarding station	0	10	20	30	40	50	60	70	80	90	100	999

On Board the Train...	Very Dissatisfied ↓										Very Satisfied ↓	NA
13a IF SB(01.03). ASK: Comfort of your seat	0	10	20	30	40	50	60	70	80	90	100	999
13b IF SB(02). ASK: Comfort of your sleeping compartment	0	10	20	30	40	50	60	70	80	90	100	999
14 Smooth and comfortable train ride	0	10	20	30	40	50	60	70	80	90	100	999
15 Air temperature on the train	0	10	20	30	40	50	60	70	80	90	100	999
16 Overall cleanliness of the train interior	0	10	20	30	40	50	60	70	80	90	100	999
17 Cleanliness of train windows	0	10	20	30	40	50	60	70	80	90	100	999

18. Did you use the restroom on the train?

- C1 Yes  
C2 No

**THOSE WHO USED THE RESTROOM ON THE TRAIN [Q18(01)]. ASK:**

On Board the Train...	Very Dissatisfied ↓										Very Satisfied ↓	NA
19 Cleanliness of the restrooms on the train	0	10	20	30	40	50	60	70	80	90	100	999
20 Smell of restrooms on the train pleasant/free of odor	0	10	20	30	40	50	60	70	80	90	100	999



**ASK EVERYONE:**

On Board the Train...	Very Dissatisfied										Very Satisfied	VA
	0	10	20	30	40	50	60	70	80	90	100	
21. Information given on the train about services/features/safety	0	10	20	30	40	50	60	70	80	90	100	999
22. Information given about problem/s delays while on the train	0	10	20	30	40	50	60	70	80	90	100	999
23. Clarity of announcements on the train	0	10	20	30	40	50	60	70	80	90	100	999
24. Reliability or on-time performance of the train	0	10	20	30	40	50	60	70	80	90	100	999
25. Personal security on the train	0	10	20	30	40	50	60	70	80	90	100	999
25b. Amtrak's ability to get you to your destination safely	0	10	20	30	40	50	60	70	80	90	100	999
26. Friendliness/helpfulness of the train conductors	0	10	20	30	40	50	60	70	80	90	100	999
26a. IF SB(01.03), ASK: Friendliness/helpfulness of the (IF SB(01):coach/IF SB(03):business) car attendant	0	10	20	30	40	50	60	70	80	90	100	999
26b. IF SB(02), ASK: Friendliness/helpfulness of the sleeper car attendant	0	10	20	30	40	50	60	70	80	90	100	999

27. Did you purchase any food or beverage items in the café/lounge car? (e.g., food/beverage items purchased at a counter)

- C1 Yes  
C2 No

**THOSE WHO PURCHASED FOOD OR BEVERAGE ITEMS IN THE CAFÉ/LOUNGE CAR (Q27(01)), ASK:**

On Board the Train...	Very Dissatisfied										Very Satisfied	VA
	0	10	20	30	40	50	60	70	80	90	100	
28. Availability of food items in the café/lounge car	0	10	20	30	40	50	60	70	80	90	100	999
29. Friendliness/helpfulness of café/lounge car personnel	0	10	20	30	40	50	60	70	80	90	100	999
30. Quality/freshness of food in the café/lounge car	0	10	20	30	40	50	60	70	80	90	100	999
31. Variety of food selections in the café/lounge car	0	10	20	30	40	50	60	70	80	90	100	999
32. Overall experience in the café/lounge car	0	10	20	30	40	50	60	70	80	90	100	999

**ASK EVERYONE:**

33. Did you have any meals in the dining car? (e.g., meals served to you)

- C1 Yes  
C2 No

**THOSE WHO HAD MEALS SERVED TO THEM IN THE DINING CAR (Q33(01)), ASK:**

On Board the Train...	Very Dissatisfied ↓										Very Satisfied ↓	VA
34. Friendliness/helpfulness of dining car personnel	0	10	20	30	40	50	60	70	80	90	100	999
35. Variety of menu choices in the dining car	0	10	20	30	40	50	60	70	80	90	100	999
36. Quality/freshness of food in the dining car	0	10	20	30	40	50	60	70	80	90	100	999
37. Overall experience in the dining car	0	10	20	30	40	50	60	70	80	90	100	999

**THOSE WHO TRAVELED ON ROUTES OFFERING WI-FI [5A(63)], ASK Q37A. OTHERWISE, SKIP TO Q38:**

37A. Did you use Amtrak's Wi-Fi service (AmtrakConnect) during your trip?

- G1. Yes  
C2. No

**THOSE WHO TRAVELED ON ROUTES OFFERING WI-FI AND USED THE WI-FI SERVICE [5A(63) AND 537A(61)], ASK Q37B-Q37F. OTHERWISE, SKIP TO Q38:**

On Board the Train...	Very Dissatisfied ↓										Very Satisfied ↓	VA
37B. Overall, how satisfied were you with the basic Wi-Fi service on the train?	0	10	20	30	40	50	60	70	80	90	100	999
37C. Ease of accessing Amtrak's Wi-Fi service (sign-on process)	0	10	20	30	40	50	60	70	80	90	100	999
37D. Ability to perform online activities that you wanted	0	10	20	30	40	50	60	70	80	90	100	999
37E. Ability to stay connected to Amtrak's Wi-Fi service	0	10	20	30	40	50	60	70	80	90	100	999
37F. Time it takes to load/access websites, e-mails, and e-mail attachments	0	10	20	30	40	50	60	70	80	90	100	999

**ASK EVERYONE:**

At the Destination Station...	Very Dissatisfied ↓										Very Satisfied ↓	NA
38. Overall cleanliness of the destination station	0	10	20	30	40	50	60	70	80	90	100	999
39. Availability of information about connecting transportation services at destination station	0	10	20	30	40	50	60	70	80	90	100	999
40. Clarity of information about connecting transportation services at destination station	0	10	20	30	40	50	60	70	80	90	100	999
41. Overall station experience at the destination station	0	10	20	30	40	50	60	70	80	90	100	999

Your Overall Trip...	Very Dissatisfied ↓										Very Satisfied ↓	NA
42a. IF SB(01,03): Overall experience in (IF SB(01):coach IF SB(03):business)	0	10	20	30	40	50	60	70	80	90	100	999
42b. IF SB(02): Overall experience in the sleeper	0	10	20	30	40	50	60	70	80	90	100	999
43. Value of Amtrak service received for the price paid for the trip	0	10	20	30	40	50	60	70	80	90	100	999
44. Overall, how satisfied were you with Amtrak based on this trip?	0	10	20	30	40	50	60	70	80	90	100	999

Using this scale where '100' is 'Would Recommend' and '0' is 'Would Not Recommend', please tell us how likely you would be to recommend traveling on Amtrak to a friend or business associate based on your trip from [INSERT ORIGIN STATION] to [INSERT DESTINATION STATION] on [INSERT TRAVEL DATE]. Select the rating in the boxes below that best describes your likelihood to recommend. Please select 'NA' or 'Not Applicable' if you feel that this question does not apply to you.

Your Overall Trip...	Would not Recommend ↓										Would Recommend ↓	NA
45. Based on this trip, would you recommend traveling on Amtrak to a friend or business associate?	0	10	20	30	40	50	60	70	80	90	100	999

We would like to ask some additional questions about you. Your answers will be used only for statistical purposes and will remain strictly confidential. (PROXYMANNING NOTE – ALLOW RESPONDENTS TO SKIP Q46-Q56)

46. What is your gender?

- C1 Male  
C2 Female

47. Into which of the following categories does your age fall?

- C1 Under 18  
C2 18 to 24  
C3 25 to 34  
C4 35 to 44  
C5 45 to 54  
C6 55 to 64  
C7 65 or older  
C8 Prefer not to answer

48. Are you of Spanish, Hispanic, or Latino origin?

- C1 Yes  
C2 No

49. What is your ethnic origin?

- C1 African American or Black  
C2 American Indian or Alaska Native  
C3 Asian  
C4 Native Hawaiian or other Pacific Islander  
C5 White  
C6 Mixed Race  
C7 Hispanic or Latino  
C8 Middle Eastern  
C9 Something else (Specify: \_\_\_\_\_)  
-1 Refused/C14 no Answer

50. Which best describes your current employment status?

- C1 Employed full-time  
C2 Employed part-time  
C3 A college student  
C4 A homemaker  
C5 Retired  
C6 Not employed

51. What is your total annual household income before taxes?

- C1 Less than \$25,000  
C2 \$25,000 to \$49,999  
C3 \$50,000 to \$74,999  
C4 \$75,000 to \$99,999  
C5 \$100,000 to \$149,999  
C6 \$150,000 to \$199,999  
C7 \$200,000 to \$249,999  
C8 \$250,000 or over  
C9 Prefer not to answer

52. What is the last grade of school you completed?

- C1 High school graduate or less
- C2 Technical/training beyond high school
- C3 Some college
- C4 College graduate
- C5 Graduate school

53b. Which one of the following best describes the main purpose of this trip? Please choose only one. Was it...? (READ ENTIRE LIST. ACCEPT ONE RESPONSE ONLY.)

- C1 Daily commute to or from work
- C2 Business travel
- C3 Travel to or from school
- C4 Visit family or friends
- C5 Vacation where you're away for about a week or more
- C6 Leisure or recreation such as dining, sporting events, theater, or long weekend getaways
- C7 Personal or family business such as a wedding, funeral, or medical trip
- C8 Shopping
- C9 Or something else (Specify \_\_\_\_\_)

54. Are you an Amtrak Guest Rewards Member?

- C1 Yes
- C2 No

55. Including yourself, how many people were in your travel party on this trip?

\_\_\_\_\_ # Travelers

55A. What is your 5-digit home zip code?

\_\_\_\_\_ [00001-99997, 99998=Prefer not to answer, 99999=Do not live in US]

57. Including this trip we've been asking about, how many total trips have you taken on any Amtrak route in the past 12 months? Please count each round trip as two one-way trips. Your best estimate is fine.

\_\_\_\_\_ # Trips [001-998, 999=Don't know/Not Sure]

**IF {Q57(002-998). ASK:**

57A. Of those [INSERT TRIPS FROM Q57] trips you have taken on any Amtrak route in the past 12 months, how many were on [INSERT ROUTE]? Please count each round trip as two one-way trips. Your best estimate is fine.

\_\_\_\_\_ # Trips [RANGE = 001 Q57 RESPONSE, 999=Don't know/Not Sure]

**ASK EVERYONE:**

58. When was the first time you yourself were a passenger on Amtrak's [INSERT ROUTE] service? Your best estimate is fine.

- C1 This was my first trip
- C2 Less than six months ago
- C3 Six months to less than one year ago
- C4 About a year ago
- C5 One to less than two years ago
- C6 Two to less than three years ago
- C7 Three to less than four years ago
- C8 Four to less than five years ago
- C9 Five or more years ago
- C9 Don't know/Not sure

**IF [Q58(01-08,99), ASK:**

59. And when was the first time you yourself were a passenger on any Amtrak route or service? Your best estimate is fine. (IF Q58(01-08), ONLY SHOW RESPONSES EQUAL TO OR GREATER THAN Q58 RESPONSE. IF Q58(99) SHOW ALL RESPONSES)

- C1 This was my first trip
- C2 Less than six months ago
- C3 Six months to less than one year ago
- C4 About a year ago
- C5 One to less than two years ago
- C6 Two to less than three years ago
- C7 Three to less than four years ago
- C8 Four to less than five years ago
- C9 Five or more years ago
- C9 Don't know/Not sure

**IF [CLASS(S) AND Q58(01)], ASK:**

60. Was this the first time you yourself were a passenger in Sleeper Class on any Amtrak train?

- C1 Yes
- C2 No

**ASK EVERYONE:**

F1. Thank you for your participation in this survey. We would like to ask you just a few more questions about Amtrak. Some of these are very similar to questions you've already answered.

If you would like to answer just a few more questions, please click "Continue with survey." If not, click "Submit my answers" to complete and submit your survey.

- C1 Continue with survey
- C2 Submit my answers

E2. Considering all your experiences with Amtrak to date, overall how satisfied are you with Amtrak?

Very dissatisfied					Very satisfied				
↓									↑
1	2	3	4	5	6	7	8	9	10

E3 To what extent has Amtrak fallen short or exceeded your expectations?

Fallen short of expectations					Exceeds expectations				
↓									↓
1	2	3	4	5	6	7	8	9	10

E4 Imagining an ideal train, how well do you think Amtrak compares to that ideal train?

Not very ideal					Very ideal				
↓									↓
1	2	3	4	5	6	7	8	9	10

E5 The next time you travel to a destination served by Amtrak, how likely will you take Amtrak?

Very unlikely					Very likely				
↓									↓
1	2	3	4	5	6	7	8	9	10

E6 How likely are you to recommend Amtrak to a friend or colleague?

Very unlikely					Very likely				
↓									↓
1	2	3	4	5	6	7	8	9	10

**“BUILDING A 21<sup>ST</sup> CENTURY INFRASTRUCTURE: Rail Stakeholders’  
Perspectives” WEDNESDAY, OCTOBER 4, 2017, 10:00 am  
2167 Rayburn House Office Building, Washington, D.C.  
Responses to QFRs from Wick Moorman, Co-CEO, Amtrak**

**Questions for the Record issued on behalf of the majority-side subcommittee**

1. How much have the profits on the Northeast Corridor increased due to the new accounting structure created in the FAST Act? How does Amtrak plan to reinvest these profits on the Northeast Corridor?

**A: The FAST Act accounting structure did not “increase” the profits, but instead it created a structure that discouraged the cross-subsidization between the NEC and the National Network. Before the FAST Act, when Amtrak received an operating grant in an amount that was less (and sometimes far less) than the operating needs of the state supported and long distance trains, the NEC revenue would have to be used to cover the delta. However, under the FAST Act grant structure, the NEC now holds onto its NEC revenue and the National Network’s operating loss is covered by the FAST Act authorized federal grant to Amtrak for the National Network.**

**In FY2016, the NEC produced an operating profit of \$474.3 million. This was prior to Amtrak receiving its funding in the new FAST Act grant structure and before Amtrak implemented its NEC and National Network Accounts reforms as mandated by the FAST Act. By FY2017, Amtrak restructured its internal accounting consistent with the aforementioned statutory requirements and as a result it is difficult to compare our pre-FAST Act financials to our current Profit and Loss Statement. That being said, in FY2017 the NEC produced an operating profit of approximately \$437.5 million (pending end of year financial analysis). But again, this is not an apples-to-apples comparison to the FY16 figure, which was pre-FAST Act accounts restructuring.**

**Amtrak plans to reinvest its profits to support normal maintenance and repairs throughout the corridor, as well as help advance several major projects. These major projects include: Penn Station Zero Defect, NEC Surfacing, Washington-New York System Undercutting, NEC Tie and Timber Replacement, and Station Façade Replacement in Philadelphia. In addition, Amtrak plans to use profits to support work related to the Hudson River Tunnels, including: tunnel box construction, NEPA work, and design work.**



**Questions for the Record issued on behalf of the minority-side subcommittee**

2. What is the number one challenge threatening Amtrak's ability to continue its path of improvement and growth, and how can the Committee help?

**A:** There are really two major challenges threatening Amtrak's ability to improve and grow: 1) the critical need for federal investment, particularly to address our aging assets on the Northeast Corridor (NEC) and 2) our on time performance (OTP) on the National Network.

For the NEC, it is important to remember that the main line has bridges and tunnels on it that date back to the Civil War era. Couple this aging infrastructure with the 820,000 trip each day (780,000 on the eight commuter railroads and approximately 40,000 Amtrak) that take place on the NEC and you have the complicated challenge of maintaining and improving a busy railroad that must continue to provide infrastructure access to intercity and commuter passengers. As the NEC Commission has said, a loss of all NEC services for just one day would cost the economy an estimated \$100 million. The NEC requires a substantial investment to maintain and improve reliable service, and as the Commission highlights, there is a \$38 billion state of good repair backlog that must be addressed. In addition, Federal investment is also needed to match state investments to improve Amtrak services in other regions of the country.

For the National Network of long distance and state-supported trains, on time performance remains the biggest barrier to providing reliable train service to our customers. Amtrak continues to work collaboratively with host railroads to improve performance. It is important to remember that Amtrak was created to relieve the freight railroads from the obligation to operate passenger service. The most important improvement would be for host railroads to comply with their statutory obligation to provide Amtrak passenger trains with preference over freight trains. While our efforts will continue, Congress and the Administration should consider expanding the range of tools available to improve the performance and the efficiency of Amtrak services.

3. You mention in your testimony that one key area that is fundamental to the viability of long distance trains is on-time performance of trains and that, Amtrak has seen "host railroad performance deteriorate markedly – and unacceptably – over the past few years." In fact, you mention that 70% of all delays on Amtrak's long distance trains are due to host railroad delays. What can be done to improve on-time performance of passenger trains?

**A:** We continue to work collaboratively with host railroads to improve performance, including analytical reviews, schedule modifications, and other operational improvement efforts. It is important to remember that Amtrak was created to relieve the freight railroads from the obligation to operate passenger service. The most important improvement would be for host railroads to comply with their statutory

obligation to provide Amtrak passenger trains with preference over freight trains. While our efforts will continue, Congress and the Administration should consider expanding the range of tools available to improve the performance and the efficiency of Amtrak services.

4. What is the status of PTC implementation on the Northeast Corridor and other Amtrak routes?

A: All Amtrak-owned portions of NEC and Keystone Corridor have PTC (positive train control) operational. Segments with work remaining to be done include 56 miles of Metro-North, the Long Island Rail Road's Harold Interlocking, and seven miles of low-speed terminal areas (which are due to be complete in late 2017). Also done are 96 Amtrak-owned miles of Michigan Line (Kalamazoo, Michigan, to Porter, Indiana), and work is underway on a connected, state-owned, 135-mile segment. Locations where Amtrak is responsible for PTC installation, but where work is not complete include the 104-mile Hudson Line (delayed by incompatible FRA/FTA "Buy America" provisions) and 60 miles between New Haven-Springfield (delayed by Connecticut-sponsored line upgrades). Work is underway to install appropriate PTC equipment at Chicago Terminal. In terms of rolling stock, all NEC and Keystone equipment needed for service is properly equipped, and 37 diesel-electric locomotives are equipped with the relevant PTC system for Michigan Line and Chicago-St Louis service. Another 103 locomotives and 9 cab cars have installation complete for service on the freight railroads (with 252 remaining).

5. On August 8, 2014, President Obama signed into law a bill to redesignate 30<sup>th</sup> Street Station (Public Law 113-158) as the William H. Gray III 30<sup>th</sup> Street Station. The Gray Family has reached out to the Committee and stated that Amtrak has not officially redesignated the station in documents or signage at the station. What is the status of Amtrak's implementation of Public Law 113-158?

A: Amtrak President and Co-CEO Richard Anderson met with United States Senator Bob Casey to discuss the advancement of naming Philadelphia 30th Street Station in honor of the career and legacy of the late Congressman William H. Gray III. Since then, Amtrak has met with the Gray family/coalition to discuss several components of the renaming process including identifying appropriate nomenclature, size, type and design of certain signage, public announcement process and procedure on trains and in stations and integration into the station's upcoming master development solicitation. In addition, Amtrak and the Gray family/coalition are working to develop a Memorandum of Understanding to outline the process and steps Amtrak and the coalition would follow to realize the renaming. The next meeting of Amtrak and the Gray family/coalition will take place in early December.

## **Questions for the Record**

### **U.S. Senate Committee on Commerce, Science, and Transportation**

#### ***“Passenger and Freight Rail: The Current Status of the Rail Network and the Track Ahead”***

October 21, 2020

#### **Written Questions for the Record from the Honorable Roger F. Wicker to Bill Flynn**

***Question.*** At the hearing, you mentioned that Amtrak is working with researchers on learning more about the airflow within rail cars and its effects on public health. Please provide a timeline for when Amtrak will publish the results of this research.

*Answer:* Amtrak’s independent research team indicated we can expect preliminary results of their analysis of the first fleet they have studied in mid-January 2021.

#### **Written Questions for the Record from the Honorable Jerry Moran to Bill Flynn**

**Background.** Section 11201 of the Fixing America’s Surface Transportation Act (P.L. 114-94) provided that Amtrak may transfer funds between the Northeast Corridor account and National Network account. Under 49 U.S.C. § 24317(f) and (g), Amtrak may transfer between these accounts subject to certain conditions.

***Question 1.*** Has Amtrak considered whether to transfer capital funds to reinstate frequencies on the long-distance routes? If so, why has Amtrak not transferred such funds?

*Answer:* Since March of this year, Amtrak has, in fact, already deferred more than \$1 billion in planned capital projects in response to the impacts of COVID.

It would not be prudent to further raid the funds we committed for the many important capital projects that benefit both the Northeast Corridor and the National Network, which includes long-distance service. Not only would deferring capital projects and procurement inhibit our ability to address the reliability and capacity needs of our rail network, but it would also impact the corresponding capitalized Amtrak workforce that supports these capital projects. In addition, cancelling capital projects would also impact a specialized domestic supplier network that supports these capital projects, such as: building locomotives and passenger equipment; providing rail, ballast, communications and signaling equipment, and other materials to maintain our infrastructure; and providing IT equipment to support our company. For context, in FY19 Amtrak purchased materials and other products and services from companies in all 50 States, and we spent more than \$2 billion on these purchases, supporting the national economy and many thousands of jobs.

For these reasons, Amtrak has not transferred capital funds to reinstate daily long-distance service. As we explained in our October 8, 2020 letter, if Congress wants to reinstate long-distance service it would need to appropriate \$4.9 billion in total funds for FY 2021. To date, Congress has chosen not to do this.

**Question 2. Please provide a detailed analysis of how much money the reduction in frequencies on long-distance routes will save. This analysis should include costs to resume services, such as storing equipment, retraining crews, etc.**

*Answer:* Long-distance frequency reduction to tri-weekly service is expected to reduce expenses by approximately \$300 million and generate net savings of \$150 million or more over the course of the full fiscal year. There is expected revenue loss from operating fewer frequencies, but the revenue loss is anticipated to be much lower during the pandemic than during normal demand periods. Amtrak performance since making the tri-weekly change supports these estimates, and revenue retention may be higher than estimated. While this pandemic is ongoing, we do have some additional data to support these assertions and are more than happy to brief your office on the details of these reductions and savings from the frequency adjustments. However, we want to reemphasize that these adjustments are *temporary*, and we hope to bring back long-distance service as soon as it is safe, and revenue and ridership allow. We have a plan, supported by metrics, which we have shared with Congress and is outlined on our website, for how we will measure return to service and hope to have everything back in service by summer 2021.

**Background.** In 1998, the U.S. Government Accountability Office (GAO) issued a report on the financial performance of Amtrak routes, which in part looked at the impacts of reducing the frequency of service on 11 routes from daily service to three to four times per week service. GAO reported that anticipated reductions in operating costs were not realized on routes with reduced frequency of service. GAO also reported that Amtrak officials found that less-than-daily service caused less efficient usage of equipment and other unforeseen problems.

**Question 3. How and why does Amtrak believe reduced frequencies on long-distance routes will save taxpayer dollars today given GAO's prior findings? Amtrak's assessment should account for costs to resume the long-distance frequencies.**

*Answer:* In normal circumstances – such as the mid-1990s when Amtrak implemented the long-distance frequency reductions that the referenced GAO report evaluated – cutting long-distance service frequency would not produce significant, immediate cash savings. While long-distance trains account for the vast majority of Amtrak's operating losses, their revenues ordinarily cover most of the costs, sometimes referred to as "above the rail" costs, that are driven by the number of trains we operate, such as fuel, host railroad payments, and wages and benefits for on-board employees. Less than daily service also reduces ridership and revenues, since some passengers are unable or unwilling to adjust their travel dates.

However, we are not living in normal times. The COVID-19 pandemic decimated demand for intercity travel. As a result, Amtrak (on its Northeast Corridor and State-Supported routes) and every other North American intercity passenger railroad, airline and intercity bus company implemented major service reductions immediately after the pandemic began to reflect greatly reduced passenger demand and minimize massive financial losses. Many of those reductions will continue until the pandemic is over.

We initially maintained normal service frequency on our long-distance network in the hope that travel demand would return. However, that did not happen. Long-distance ridership and revenues (excluding the Auto Train) were only a third of pre-pandemic levels from April through August. Because of these greatly reduced revenues, long-distance trains went from covering most of their “above the rail” costs to covering less than a third of those costs. Until ridership returns, every long-distance train we send out of the station represents a large cash drain for the benefit of relatively few riders. In August and September, the two months before we reduced service frequency to tri-weekly on most long-distance routes, long-distance passenger revenues were \$65 million below plan.

While we anticipate that less than daily service will reduce ridership and revenues, we expect the impact during the pandemic to be much less than in 1995. Fewer passengers will be affected, and much less revenue will be lost, because not many people are willing to make long trips on public transportation until COVID-19 is brought under control. Most of those who are traveling are not making the types of trips that often require travel on a particular date, such as travel for business, weddings and other family gatherings. During October and November, the first two months after we began less than daily service on most long-distance routes, ridership retention and revenues exceeded our conservative assumptions.

We are committed to restoring daily service to the long-distance routes on which service frequency is reduced when travel demand returns. The costs Amtrak will incur to restore service will depend upon when service restoration occurs and how many employees who have been furloughed or have transferred to other positions elect to return to their previous jobs. However, we expect those costs will be much lower than the savings from reducing the huge additional cash losses we were incurring to operate daily long-distance service during a period when passenger demand and revenues were dramatically reduced.

**Question 4. Since the reduction in frequency was initiated, how do boardings on the Southwest Chief compare to previous boardings when the route operated daily?**

*Answer:* The average boardings per frequency for the *Southwest Chief* since the beginning of October when compared to all other routes did not experience schedule reductions in frequency during this time. The schedule change on the *Southwest Chief* from daily service took place the week ending October 16. When compared to an established baseline for the week ending October 2, the *Southwest Chief's* boardings per frequency has significantly exceeded that of routes that experienced no schedule reductions.

**Question 5. How many previously sold tickets were cancelled once the change in service was announced and enacted?**

*Answer:* There were 1,683 reservations impacted by the *Southwest Chief* schedule change, which was announced in August and took effect of the week ending October 16. Of those, 57% accepted our offer for re-accommodation while 33% declined and were provided a full refund (10% of impacted reservations are still awaiting resolution). The *Southwest Chief* cancelation rate is approximately 10 percentage points lower than our network-wide list of impacted reservations from the October schedule changes.

**Written Questions for the Record from the Honorable Marsha Blackburn to Bill Flynn**

**Question 1. With respect to network capacity, has Amtrak made any direct investments to add capacity to host freight lines in Tennessee?**

*Answer:* Amtrak is currently fully-funding a \$2.6 million project to replace hand thrown switches on the freight host railroad main line track through Harrison Yard in Memphis with remote-controlled switches, which would increase capacity and network fluidity, improve safety, and reduce the running time for both the twice-daily Amtrak trains and all freight trains. In addition, Amtrak contributes approximately \$70,000 annually to ongoing maintenance of track and signal infrastructure around Memphis Central Station as required by Amtrak's operating agreement with the freight host railroad. Amtrak has also initiated a \$2.5 million project at Newbern-Dyersburg station as part of Amtrak's Accessible Stations Development Program.

**Question 2. If so, can you tell me what those have been? Have hosts requested such investments?**

*Answer:* See Question 1 for our response.

**Background. This nation's freight railroads support over 1 million jobs and generate over \$200 billion in economic activity. Given the economic challenges created by the Covid-19 pandemic, the continued efficient operation of our freight carriers can be expected to play an even more important role as we move toward recovery.**

**Question 3. What is Amtrak doing to minimize delays on freight rail lines throughout this country?**

*Answer:* Amtrak plays an essential role in the development of America's robust and profitable freight rail network: Amtrak was created to relieve the private railroads of their intercity passenger rail service obligations. One of the essential conditions of this public bargain is that freight railroads would provide Amtrak passengers traveling over their rail lines with "preference" over freight transportation. This was not a new concept at the time – when freight railroads operated their own passenger trains before Amtrak, they recognized that prioritizing trains carrying passengers over slower freight trains carrying cargo was critical to providing a viable passenger service.

Today, the majority of delays to Amtrak trains on freight rail lines are caused by freight railroads, with freight train interference the leading cause of delay to Amtrak state supported and long-distance passengers. Amtrak trains comprise only 4% of the train-miles operated on Class I freight railroads.

Despite that fact, some freight railroads claim that providing passenger trains with preference is an unreasonable standard that limits the efficiency of the rail network and service provided to shippers, or that it will bring freight movement to a standstill. These inflated claims do not withstand any level of scrutiny. First, freight railroads can seek relief from the Surface

Transportation Board if they truly believe that providing Amtrak with preference materially lessens the quality of freight transportation provided to shippers. The fact that not one railroad has ever sought such relief suggests that either railroads do not believe that providing preference affects the quality of service provided to shippers or the railroads believe they can ignore the law with impunity. Second, there is no correlation between freight volumes and freight train interference delays on most rail lines, which means dispatching decisions unrelated to freight traffic levels drive Amtrak on time performance. Third, the presence of a few daily passenger trains on freight railroad mainlines poses no threat to the quality and growth of freight transportation. For comparison, Amtrak's mostly two-track Northeast Corridor mainline between Newark and New York Penn Station hosts up to 48 trains an hour. On most host railroad mileage, Amtrak operates two trains a day.

Simply stated, freight railroads cannot show that compliance with federal law on preference leads to a detrimental impact on their freight transportation business. When freight leadership has decided to dispatch Amtrak trains according to the law, we have seen Amtrak's on time performance improve literally overnight. During these times, there was no evidence of negative impacts to the overall fluidity of America's rail network. In fact, it has been reported by some freight railroad leaders that efficient Amtrak service is a strong indicator that their own operations are running efficiently.

#### **Written Questions for the Record from the Honorable Shelley Moore Capito to Bill Flynn**

**Background.** On June 25, I joined the Chairman in the letter he sent to Amtrak requesting additional information on how Amtrak came to the decision to reduce the frequencies on long-distance routes. I appreciate Amtrak's response to the Chairman's letter and confirmation in your testimony today, that these reductions are indeed temporary.

***Question 1.*** With the understanding that the course of the COVID pandemic and its effects are ever changing, do you still project that daily service along these routes may be restore in May or June of next year?

***Answer.*** Amtrak understands the importance of our service to states and communities across the nation, as well as to our employees. We hope to restore all of this service in 2021. We are committed to assessing the public's travel needs continuously and have made our restoration metrics available to both Congress and the general public. We will use specific and measurable metrics to guide restoration of daily service as demand warrants—potentially as early as summer of 2021. Firstly, our temporary reductions and subsequent plan to restore this service are dependent on sufficient federal assistance, but in order to best protect our passengers' and employees' health, and to make the best possible use of limited taxpayer investment, we will consider the following metrics to decide when to restore each affected Long-distance service: public health, future demand and current performance. Each of these criteria are outlined in detail on our website. If any route is not yet ready to be restored when we conduct our review, we will apply an updated version of the criteria described above as part of the FY 2022 planning cycle or sooner, in the event of dramatic improvement in demand prior to that point.

#### **Questions for the Record from Hon. Maria Cantwell to Mr. William Flynn**

***Return to Full Service.* Mr. Flynn, I wanted to clarify your response to my question regarding Amtrak's evaluation of the long-distance routes. You stated that you will reevaluate long-distance routes performances throughout the year and that any decision about service frequency made in February 2021 will not be permanent for the whole year.**

***Question 1.* If in February 2021, the Empire Builder does not meet Amtrak's performance metric for return to full service, when would the route next be reevaluated?**

*Answer.* Amtrak understands the importance of our service to states and communities across the nation, as well as to our employees. We hope to restore all of this service in 2021. We are committed to assessing the public's travel needs continuously and have made our restoration metrics publicly available. We will use specific and measurable metrics to guide restoration of daily service as demand warrants – potentially as early as summer of 2021. Firstly, our temporary reductions and subsequent plan to restore this service are dependent on sufficient federal assistance. However, in order to best protect our passengers' and employees' health, and to make the best possible use of limited taxpayer investment, we will consider the following metrics to decide when to restore each affected long-distance service: public health, future demand and current performance. Each of these criteria are outlined in detail on our website. If any route is not yet ready to be restored when we conduct our review, we will apply an updated version of the criteria described above as part of the FY 2022 planning cycle or sooner, in the event of dramatic improvement in demand prior to that point.

***Question 2.* Do you anticipate any issue returning to full service on track owned by Class I railroads?**

*Answer.* At this time, we do not. We have made it very clear to our host railroads that the current frequency reductions are *temporary* and we plan to return to full service. Should we run into any concerns as we look to restore service, we will be sure to keep your office informed on any impediments that may arise.

***Question 3.* With long-distance service typically booked far in advance, won't fewer scheduling options make it more difficult for Amtrak's long-distance lines to increase ridership?**

*Answer.* Travel on long-distance routes is primarily leisure-oriented and this has remained the case during the pandemic. However, recent booking trends for this portfolio shifted dramatically – with demand peaking much closer to the departure date. Booking trends also suggest that despite the revised service, customers are finding a schedule to their liking. In the event that customers are seeking an itinerary on a date in which we do not offer service, we have placed a tool on our booking engine to guide them to the next possible itinerary. Given the leisure orientation of these travelers, less day-of-week sensitivity exists compared to a customer on a corridor route or one seeking to travel for business. In addition, a primary reason we are targeting making a decision by mid-February of 2021 to reinstate long-distance service for travel next summer is to allow the vast majority of customers time to make their travel plans with the restored schedule in place.



***Federal COVID Response.*** Mr. Flynn, the Administration has failed to provide a national strategy for protecting the traveling public. Both the Department of Transportation and the Centers for Disease Control have refused to require masks for operators and passengers.

Amtrak has been working with medical experts at George Washington University on its COVID response. Your company has implemented a mask mandate onboard its trains, reduced booking capacity by 50 percent, and undertaken enhanced cleaning procedures.

***Question 4.*** What has been the impact on your operations from implementing a mask mandate and complying with CDC guidance?

*Answer.* Per guidance from the CDC, Amtrak requires all customers and employees wear a face mask or covering that fully covers the entire mouth and nose, fits snugly against the side of the face, and secures under the chin at all times while onboard and in stations unless actively eating or drinking. Passengers must also maintain appropriate physical distancing while onboard and in stations. Amtrak's employees and customers have responded well to our mask requirement on trains and platforms, which is outlined on our website. We have not found that this has a significant impact on the ability for our employees to complete their tasks nor our customers to ride our trains. Although we have limited the number of booking on each train to promote social distancing, the mask requirement is essential.

***Question 5.*** Do you believe that implementing such protocols has increased public confidence in the safety of riding or working at Amtrak during the pandemic?

*Answer.* Yes.

***Question 6.*** Is there any public health or economic reason not to implement a national mask mandate for the transportation industry?

*Answer.* Amtrak already requires masks on its trains and platforms. While we cannot speak for the entire transportation industry, we certainly have not found masks to be an impediment to public health and economics of our company. In fact, just the opposite – it strengthens our position and gives our employees and customers the confidence they need during this pandemic.

***Question 7.*** Do you agree that the Department of Transportation should be working with public health professionals to create a national passenger transportation strategy to combat COVID-19?

*Answer.* We have a good relationship with the Center for Disease Control and the Federal Railroad Administration. Their guidance and assistance during this pandemic are immensely helpful.

***COVID Relief.*** Mr. Flynn, I am very concerned that Amtrak has cut long-distance service to just three times per week due. Communities served by Amtrak's long-distance routes, including 15 in my state, are reliant on the economic and mobility benefits Amtrak provides.

Without additional relief, trains have gone into storage, and some states are halting plans to add new routes or service frequency. Some states are even considering ending their state supported routes because they will no longer be able to afford it.

***Question 8.*** Where do you expect the biggest impact on your capital commitments will be if no additional funding is provided?

*Answer.* Deferring capital projects and procurement inhibit our ability to address the reliability and capacity needs of our rail network and would also impact our corresponding capitalized Amtrak workforce. Such capital delays would also impact a specialized domestic supplier network that supports these projects, such as: building locomotives and passenger equipment; providing rail, ballast, communications and signaling equipment, and other materials to maintain our infrastructure; and providing IT equipment to support our company. For context, in FY19 Amtrak purchased materials and other products and services from companies in all 50 States, and we spent more than \$2 billion on these purchases, supporting the national economy and many thousands of jobs. In our October 8, 2020 letter to Congress, we included, for illustrative purposes, a table that provided specific capital projects that may be deferred if Amtrak does not receive sufficient funding in FY21. This initial list will be finalized and updated throughout the year based on specific appropriated levels, service levels, actual revenue, and other factors.

***Question 9.*** Are there additional consequences of lack of funding that haven't been considered by Congress yet?

*Answer.* As we explained in our October 8, 2020 letter to Congress, insufficient funding levels would cause drastic impacts that could have long lasting effects on our Northeast Corridor infrastructure and the national rail system. For example, insufficient funding levels could force Amtrak to reduce its workforce by an additional 2,400 jobs as we scale back capital projects (approximately 775 jobs) and because our state partners have advised us that they would likely further reduce their train service (approximately 1,625 jobs).

In addition, as you know, we are reliant on annual appropriations and do not have the benefits of dedicated and predictable funding that a trust fund provides to virtually all other transportation modes. This puts us at a severe disadvantage, and we hope Congress will consider providing Amtrak with this parity and include an intercity passenger rail trust fund in the next surface transportation reauthorization.

***Safety Management System.*** Nearly three years have passed since the Amtrak 501 train derailed in DuPont, WA, killing three people and injuring more than 60. This tragedy occurred just a month after National Transportation Safety Board (NTSB) Chairman Sumwalt warned that Amtrak's safety culture was failing.

**I appreciate your commitment to working with Sound Transit and the Washington Department of Transportation to ensure that the NTSB's and Sound Transit's recommendations have been fully and safely implemented before resuming service on the Point Defiance Bypass. Your predecessor, Mr. Anderson, assured me that implementing a safety management system and maintaining a strong safety culture was a top priority of his.**

***Question 10.* Will you commit to ensuring that safety, and the implementation of a robust safety management system, is a top priority and one that will not be impacted by COVID-19?**

*Answer.* Yes.

***Question 11.* Recently, the Amtrak Office of Inspector General released a report on Amtrak's implementation of its safety management system. The report found that Amtrak had not considered using an employee survey tool to gauge its safety culture. These surveys are a common safety management system best practice in transportation industries. While I appreciate that Amtrak is currently crafting a survey methodology, I am concerned that this could be an indication that Amtrak's safety management is otherwise lacking. What steps have you taken to ensure Amtrak is implementing a robust safety management system and that other important aspects of a strong safety culture aren't being missed?**

*Answer.* We submitted our System Safety Program Plan (SSPP) to the Federal Railroad Administration (FRA) on November 1 – well in advance of the March 4, 2021 deadline for complying with the new SMS regulation – and we anticipate feedback from the FRA's review of our program in the coming weeks. It is Amtrak's goal, however, to implement an SMS that exceeds the minimum regulatory requirements and incorporates best practices from a wide array of high-reliability industries (e.g., aviation, nuclear, medical). To achieve this, we plan to have periodic reviews by independent experts in SMS that will identify any gaps in our program and ensure that our program is robust and promoting a world-class safety culture. We will leverage employee surveys as a data point for measuring the success of our SMS implementation and safety culture.

**Questions for the Record from Hon. Amy Klobuchar to Mr. William Flynn**

***CARES Act Funding for Amtrak.* In the CARES Act, Congress appropriated \$1 billion to Amtrak to offset the steep decline in ridership as a result of the pandemic and included a \$239 million funding set-aside for state-supported routes.**

***Question 1.* Earlier this month, your CEO sent a letter to Congress highlighting the need for \$4.9 billion in Fiscal Year 2021 funding to support Amtrak through this pandemic. Can you elaborate on your statement that you anticipate having to reduce Amtrak's workforce by 2,400 jobs if additional relief funding is not received by December?**

*Answer.* As we explained in our October 8, 2020 letter to Congress, insufficient funding levels would cause drastic impacts that could have long lasting effects on our Northeast Corridor infrastructure and the national rail system. For example, insufficient funding levels could force Amtrak to reduce its workforce by an additional 2,400 jobs as we scale back capital projects (approximately 775 jobs) and because our state partners have advised us that they would likely further reduce their train service (approximately 1,625 jobs).

We are appreciative that Congress is working to provide Amtrak and our partners with some emergency funding to help us get through March 31, 2021. However, this is only a stopgap measure and we will require additional emergency funding for the remainder of the fiscal year if we want to avoid the types of impacts mentioned above.

### **Questions for the Record from Hon. Kyrsten Sinema to Mr. William Flynn**

***Southwest Chief and Sunset Limited Service Cuts.*** In my home state, the Southwest Chief provides service to Flagstaff, Kingman, and Winslow, Arizona. The Sunset Limited serves Tucson, Benson, Maricopa, and Yuma, Arizona. In these communities, Amtrak service is a significant financial driver. For example, over 50,000 riders disembark in Flagstaff each year and provide more than \$12 million in tourism dollars to the city.

**Given the importance of the Amtrak service to these communities, cutting service to three times per week on long-distance routes, such as the Southwest Chief and the Sunset Limited, impacts both local workers and local economies.**

***Question 1.*** Are you aware of the significant financial impact due to service cuts to communities served by long-distance routes, such as Flagstaff?

*Answer.* Yes. We regret that this pandemic and the absence of congressional funding up to this point forced the furloughs and service reductions across our system. We hope that the public health response to this pandemic and congressional support will allow us to return that service safely as soon as possible.

***Question 2.*** What is Amtrak's plan to restore all routes to daily service?

*Answer.* Amtrak understands the importance of our service to states and communities across the nation, as well as to our employees. We hope to restore all of this service in 2021. We are committed to assessing the public's travel needs continuously and have made our restoration metrics publicly available. We will use specific and measurable metrics to guide restoration of daily service as demand warrants – potentially as early as summer of 2021. Our temporary reductions and subsequent plan to restore this service are dependent on sufficient federal assistance, but in order to best protect our passengers' and employees' health, and to make the best possible use of limited taxpayer investment, we will consider the following metrics to decide when to restore each affected long-distance service: public health, future demand and current performance. Each of these criteria are outlined in detail on our website.

***Question 3.*** What is the timeframe envisioned for this restoration of service?

*Answer.* Based on the metrics outlined in the question above, we hope to return service potentially as early as summer of 2021.

***Question 4.* What factors will you consider when determining when to restart daily service on long-distance routes?**

*Answer.* In addition to requiring sufficient funding from Congress, we will consider the following metrics to decide when to restore each affected Long-distance service: public health, future demand and current performance. Each of these criteria are outlined in detail on our website.

***Question 5.* Will you commit to maintaining the current fleet in operable condition so that daily service can restart as soon as possible?**

*Answer.* Yes.

***Flagstaff Concerns.*** I understand that Flagstaff Mayor Coral Evans wrote you a letter dated August 24, 2020 outlining the community's perspective about continued support for the Southwest Chief.

***Question 6.* Have you responded to Mayor Evans's letter?**

*Answer:* Yes. Amtrak responded to two letters from Mayor Evans on the same topic: once on June 25, 2020 and again on August 27, 2020.

***Phoenix Service.*** Phoenix is the fifth largest city in the United States and the largest city in the country not served by Amtrak passenger service. Arizona is also one of the fastest growing states in the country. Amtrak service to Phoenix ended in 1996, and the closest current Amtrak service to the Phoenix region is in Maricopa, about thirty-five miles south.

**At a September presentation to the Rail Passenger Association, Amtrak included Los Angeles – Palm Springs – Phoenix – Tucson as an option for corridor expansion.**

***Question 7.* What are Amtrak's primary considerations when deliberating whether to advance with the proposal to return service to Phoenix?**

*Answer.* We are proposing a number of new and improved corridor routes across the nation and hope to share a detailed plan with Congress, state DOTs, local municipalities and other stakeholders, and the general public next year. We considered a number of factors, such as forecasted ridership, population growth, operating subsidy, initial capital costs, connectivity, environmental impact, availability of host railroad capacity, and location of existing Amtrak operating bases in coming up with recommendations for our vision for the future.

An additional consideration that is worth noting is how the federal government can help advance new and improved routes, such as connecting Amtrak to Phoenix. It is critical that a Corridor Development Program be authorized and funded as part of Amtrak's National Network grant and that process improvements are made for gaining access to host railroads for new service or additional trains via the Surface Transportation Board. Both of these issues are addressed in H.R.2, the House passed surface transportation bill, and we hope the Senate will include similar provisions when it considers its version of this important legislation.