

HIGH-SPEED INTERCITY PASSENGER RAIL

# SPEEDLINES

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PHILADELPHIA WELCOMES THE ACS-64



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Vice President **BIDEN**

All Aboard! US Vice President Biden Welcomes First Siemens-built Amtrak Locomotive Entering Passenger Service.

# LEGISLATIVE OUTLOOK

Contributed by Peter A. Peyser, Peyser Associates LLC

“ In recent years, Congress has become notorious for its legislative cliffhangers. Appropriations for government agencies get stuck with regularity and included in “continuing resolutions” of various lengths. Government agencies shut down for lack of appropriations. The national debt limit is debated under threat of a national default. The highway trust fund is insolvent absent annual infusions of general fund money.

While those who observe all of this legislative suspense are understandably weary, rail advocates can be forgiven for wishing that the lapsing of the nation’s rail legislation would produce the same level of concern in Washington as those other events. As our readers undoubtedly know, the Passenger Rail Investment and Improvement Act of 2008 expired on September 30, 2013. Amtrak and Federal Railroad Administration programs are operating now because appropriations bill language allows it. However, there is no long-term policy direction or reliable funding for these important programs.

This situation is, of course, familiar. From 2002 until 2008, Amtrak and the other rail programs also operated without authorizing legislation. Will Congress and the Administration allow this situation to recur for another six years?

Current signs indicate that momentum behind enacting new rail legislation is minimal. The leadership of the House Committee on

Transportation and Infrastructure (T&I) indicated last summer they would introduce a bipartisan bill in the fall, but that did not occur. Discussions surrounding the legislation have slowed as the committee has turned its attention to the approaching expiration of highway and transit programs.

On the Senate side, there has been some discussion among staff members at the Senate Committee on Commerce, Science and Transportation about rail legislation, but they are waiting to see action on the House side before stepping up their efforts. This is understandable given that in 2012, the commerce committee developed a rail title to the MAP-21 legislation only to see it dropped from the House-Senate conference committee on that bill because the House did not have companion provisions.

By contrast, legislation to reauthorize federal highway and transit programs has a much better chance of enactment this year and rail advocates are wisely using that fact as a way to raise their issues to a higher visibility.

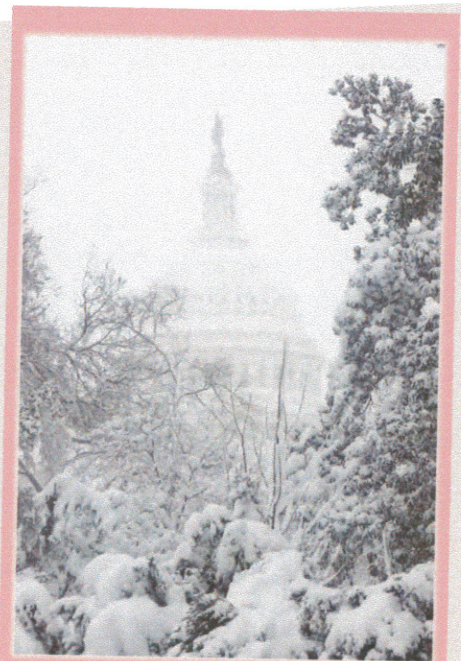
As noted above, the House T&I Committee has started its legislative process with hearings on the need for reauthorizing the current “MAP-21” legislation and finding an answer for the revenue shortfalls in the highway trust fund. Likewise, the Senate Committee on Environment and Public Works (EPW) has held a hearing and its leadership has announced the intention to introduce a “policy bill”

(i.e. not dealing with the revenue short-fall problem) in April

In both the House and the Senate the revenue raising committees, Ways and Means in the House and Finance in the Senate, must act to extend the current federal gas tax and find additional funds to support the surface transportation programs.

The difficulty of a tax increase in this election year makes the prospects for a five or six year reauthorization bill for surface transportation dubious at best. There is a strong likelihood, Congress will settle for another two-year “patch” on the trust fund as they did in 2012.

Into this context come rail advocates who are seeking access to trust fund support for Amtrak and high-speed rail initiatives in the states. Led





by Amtrak CEO Joe Boardman, who has been tireless in pushing this concept, rail advocates have stepped up their efforts to make the case that intercity passenger rail is deserving of support from a dedicated trust fund because rail is an integral part of the national network of surface transportation facilities.

While this is an argument that may be difficult to win, the fact that it is being made puts rail issues into a discussion that is front and center right now – the future of the Highway Trust Fund. From that point of view, rail advocates are well advised not to let the opportunity to be part of the national transportation conversation pass them by.

Another way to be in the conversation surrounding the reauthorization of surface transportation legislation would be to renew discussion of the issue of allowing states the flexibility to use formula dollars allocated to them from the Highway Trust Fund for intercity rail passenger projects. This concept was included in the Senate version of the ISTEA legislation in 1991, but dropped in the House-Senate conference. Allowing this flexibility would be a continuation of a long evolution

in transportation policy that began when transit projects first got access to highway trust fund support in the 1970's. Given the appetite for studying and developing high-speed rail in the states, this idea could generate more support now than it did in the '90s.

The Spring of this year will be an active time in Washington on transportation issues. While enactment of rail legislation per se might not rise to the top of the agenda, the discussion over surface transportation programs – and the revenues needed to support them – create an excellent opportunity for rail advocates to make their case. Upcoming issues of SPEEDLINES will track the debate in Washington.

#### APTA PROPOSED PASSENGER RAIL LEGISLATION

APTA supports the creation of an integrated network of passenger rail services, including high-speed rail where appropriate, that connects with the existing Amtrak system, and with commuter rail, transit operations and other intermodal connections. APTA supports dedicated revenues for such a

program, other than those currently supporting the Highway Trust Fund.

A streamlined NEPA review process for projects is advocated along with a policy where both private and public sector participation should be considered in the development of new rail service. It is APTA's position that an expansion and improvement of the US current intercity passenger rail system will require a commitment of federal, state, local and private resources – a combination of funding AND financing strategies that will not only pay for projects, but also speed their planning, design and construction.

APTA recommends an authorization of \$50 billion over six years to facilitate the development of a HSIPR system, funded by a dedicated and indexed federal revenue source, and complemented by the use of public private partnerships.

APTA calls for reauthorization of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) through standalone legislation or as a separate rail title to surface transportation authorization.

APTA's Legislative Committee adopted a set of principles on June 2, 2013 which provides further guidance on the industry's policies regarding investment in intercity passenger rail which are available on the APTA public website.