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March 15, 2022

The Honorable Pete Buttigieg
Secretary, U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Docket No. FRA-2022-0006: Request for Information for the Corridor Identification and Development Program

Dear Secretary Buttigieg:

On behalf of the States for Passenger Rail Coalition (SPRC) I am pleased to submit our responses to the Federal Railroad Administration's (FRA) Request for Information (RFI) for the Corridor Identification and Development Program (CID Program). SPRC is an alliance of State and Regional Transportation Officials and Passenger Rail Authorities from across the United States.

With respect to developing a CID Program, the SPRC has produced an extensive list of potential capital projects and planning endeavors that can serve as a springboard for assisting the USDOT in jumpstarting this program. In a joint effort with the American Association of State Highway and Transportation Officials (AASHTO), SPRC reached out to States to produce a list of passenger rail projects that are ready for final design and construction funds or are in the planning/scoping phase. States play a critical role in the long-term strength of the program. Similar to the highway and transit programs, rail would benefit from sustainable Federal support in the planning and development of projects.

This "Projects in the Pipeline" list identifies 171 projects with total funding needs of \$58.8 billion. The list consists of 88 projects that are ready or close to ready for final design or construction with a cost of \$17.4 billion, along with an additional 83 planning projects costing \$41.4 billion. Completing these projects would result in at least seventy-five additional daily round trips and more than thirty new cities served by passenger rail. There would also be significant improvements to over seventy stations, more than 150 new or refurbished locomotives and passenger rail cars, and nearly 400 grade crossings with safety, reliability, and capacity issues would be upgraded. These improvements would be transformative for passenger rail and would improve freight rail reliability as well. An updated project list with additional details on each can be found at <https://bit.ly/SPRC-Projects-Jan2022> or on the SPRC website: s4prc.org.

We look forward to working with the USDOT, FRA, and you, on advancing intercity passenger rail across the Nation. If you have any questions or require additional information concerning SPRC's responses, please do not hesitate to contact me.

Best Regards,



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Passenger Rail Manager, Wisconsin Department of Transportation

California

*Colorado - Southwest
Chief & Front Range
Passenger Rail
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1. What is the appropriate role for Amtrak, in the submission and development of proposals submitted by other entities, for corridors that currently are or would be intended to be operated by Amtrak?

Flexibility should be provided for Amtrak to have a range of roles depending on the corridor and states, regional, and local entities involved. In many cases, states or other entities will take the leadership role with Amtrak providing support. In some cases, states will need Amtrak to take a leadership role in the submittal and may eventually need Amtrak to be the grantee for a project. This flexibility is essential, and in addition to the states and other public entities, Amtrak should have the ability to submit and develop proposals if the future sponsor of the service (state, local, or regional entities) requests that approach to advance a given corridor.

It is also a corridor-specific question for which there may not be a single answer. Factors that could influence Amtrak's role include whether the application is for an existing corridor or whether a state intends to take a lead role or a support role in developing proposals for enhancements to existing services. There will be instances where Amtrak assumes a support role in preparing a state's application. However, some states or passenger rail sponsors may find it advantageous, for a variety of reasons, to allow Amtrak to take the lead in the development of a corridor plan.

Regardless of what entity takes the lead in developing both the corridor application and/or the Service Development Plan, it is essential that the application and SDP have the explicit support of any and every entity that will be required to provide operating or capital support to a route pursuant to Section 209 of PRIIA. Also, Amtrak should be responsible for submitting any proposal to restore or enhance long-distance service.

SPRC Members note that if a corridor is currently intended to be operated by Amtrak, there are various roles and activities for Amtrak to fulfill but only if specifically requested by the state or other sponsor planning the corridor. In some instances, states may not determine whether Amtrak will be the operator until the later phases of a project. If support is desired from Amtrak, potential support functions include, but are not limited to, the following:

- Serve as a partner by providing technical assistance, guidance, and oversight in the preparation of the Service Development Plan and National Environmental Policy Act (NEPA) documentation,
- Prepare ridership, revenue, and operating cost estimates and provide guidance on equipment utilization, and
- Provide input and feedback in matters involving host railroad issues and discussions.

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2. What are the appropriate roles for FRA and other parties in the preparation of SDPs under 49 U.S.C. 25101(d), or in other Program activities?

SPRC Members identified a host of appropriate roles for FRA and other parties involved in preparing SDPs. These FRA activities and functions include the following:

- Guidance, support, and technical assistance, especially concerning statutory requirements,
- Identify “best practices” in the preparation of SDPs and provide training assistance and make available online and printed materials such as guidebooks,
- Depending on the level of interest and involvement from local stakeholders, there may be a need for assistance in forming stakeholder task groups to consult with and give project updates during the development of the SDP, and
- Ensure that all parties responsible for implementing SDP and/or operational costs are consulted on the potential preparation of the SDP before advancing its development.

Finally, the FRA should serve as an expert in the process as some states may not be positioned to take advantage of this program. In these instances, FRA should help guide states through the process.

3. Where permissible, should SDPs under the Program have the option to be prepared as longer-range planning documents, so that the implementation of the new or improved service (through the implementation of the projects included in the “corridor project inventory,” and advancement of such projects into the project pipeline) may be sequenced or phased over time?

SPRC Members overwhelmingly agree that preparing longer-range planning documents with sequencing and the phasing of components is vitally important for programming, planning, and financial purposes. Many projects have incremental steps and passenger rail service improvements that will support a more expansive benefit project resulting from future efforts. Additionally, there may be longer or multi-state corridors where a phased/incremental approach is necessary to initiate service and will expand over time.

4. Where permissible, should SDPs under the Program develop and narrow alternatives for implementing a new or improved service through the use of a planning process undertaken in advance of environmental review under the National Environmental Policy Act (NEPA) (e.g., in a manner similar to that applicable to highway and transit projects under appendix A to 23 CFR part 450—Linking the Transportation Planning and NEPA Processes)?

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SPRC Members agree that the SDP process should allow for the development and narrowing of alternatives using a planning process in the SDP in advance of environmental review if this streamlines the process and expedites the environmental review. However, while it is allowable, it should not be a requirement for SDP development. Where appropriate, this approach could allow high-level feasibility studies to be developed prior to engaging in the NEPA process, which may save time and resources later in the process. Also, there must be assurances that we are not adding phases or steps to selecting a preferred alternative.

The level of alternatives analysis should consider how broad legitimate alternatives are. If very broad, then it makes sense to have a process to justify narrowing down route alternatives prior to NEPA. But, for projects on existing passenger rail corridors that involve improvements in an existing corridor, there should not be an additional step of Alternatives Analysis (AA) required, and the project should be able to progress into NEPA to complete any scaled-down alternatives analysis needed. The process of alternatives analysis and environmental review needs to continue to be streamlined at various steps to help deliver projects that address climate change and reduce pollutant emissions more efficiently.

5. How should public involvement and environmental considerations be incorporated into the preparation of SDPs under the Program, and how might that vary depending on whether or not SDPs develop and narrow alternatives (as described in Question #4)?

SPRC Members recognize that public involvement and environmental considerations play a role in the feasibility of a corridor and are essential in developing and narrowing alternatives. If the alternatives analysis that will meet NEPA requirements is part of the SDP, public involvement should be applied per the participating parties' requirements and existing federal NEPA guidelines. While public outreach can be good practice during service development planning depending on the case, additional public involvement requirements for corridor SDPs that do not have alternatives analysis as part of this process should not be added.

6. 49 U.S.C. 25101(e) requires that FRA consult with certain stakeholders in the preparation of SDPs under the Program. What approaches could FRA take to ensure the consultation process is effective and meaningful?

SPRC Members have identified various potential approaches for the FRA to take to ensure the required consultation process is effective and meaningful. These ideas include the following:

- Collaborating with program sponsors to ensure all necessary stakeholders have been adequately included during the process. FRA assisting with collaboration could provide

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more credibility and further an open process that provides for significant dialogue with the host railroads and other stakeholders,

- Developing key stakeholder checklists and questions that should be addressed, including issues surrounding operations and other ongoing responsibilities,
- Utilizing virtual/electronic town halls and comment platforms to reach the broadest audiences, and
- Identify stakeholders akin to the NEPA processes and engage in coordination, offering stakeholder webinars, providing materials, and enabling the opportunity for submission of written comments.

One final idea for FRA's consideration regarding stakeholder outreach is to establish general guidelines for consulting and delegating the responsibility for consultation to the corridor sponsors. The corridor sponsors are closer to the local and regional transportation authorities and collectively have more significant resources to accomplish this consultation than FRA will dedicate to that effort. Therefore, to the extent FRA conducts any stakeholder outreach directly, it could be national in scope, perhaps encompassing Amtrak, labor, Class I host railroads, and other interested parties.

7. Should capital projects identified in the project pipeline be required to be ready for immediate implementation (i.e., final design and construction), and be supported by a completed environmental determination under NEPA, completed preliminary engineering, and (as applicable) agreements with the relevant host railroad(s)?

It is the consensus of the SPRC Members that the project pipeline should not be limited to projects ready for immediate implementation. Instead, projects should be eligible for inclusion in the program at earlier stages of project development, from project development through preliminary engineering and NEPA review, particularly if those project phases will be eligible for federal funding, as they are across other modes.

Realistically, states need to prioritize and stage project development as appropriate. Often, states need the initial federal funding to initiate the first phase of a project. In some cases, NEPA, preliminary engineering, and host railroad agreements could be funded by the FRA as part of an overall funding program for that corridor (i.e., NEPA, Final Design, and Construction). What should be required to be completed to be in the pipeline is feasibility analysis or preliminary level of service planning, pre-NEPA activities (i.e., alternative analysis), initial stakeholder and railroad coordination, and inclusion in a state rail plan, Amtrak plan, and/or regional rail plan.

The project pipeline should include the status of each project relative to environmental determinations under NEPA, completed PE, and the status of agreements with host railroads and federal funding commitments. The expansion of the project pipeline beyond those projects

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ready for immediate implementation will also inform Congress regarding the overall need for passenger rail funding.

- 8. *If a capital project must be ready for immediate implementation in order to be included in the project pipeline (see Question #7), should FRA establish a “pre-Pipeline” of projects that have been identified in the “corridor project inventories” included in the SDPs prepared under 49 U.S.C. 25101(d), and that are in the process of being readied for implementation (e.g., in the process of environmental review under NEPA, undergoing completion of preliminary engineering, etc.), but which are not ready for implementation?***

The SPRC Members strongly support establishing a “pre-Pipeline” project list. Projects which exceed the funding available (and which are ready to advance) and projects which have not yet completed PE, NEPA, or host railroad agreements should also be included in the pre-Pipeline category. These projects will then be advanced to a funded list if another project in the previously funded Project List is delayed or discontinued.

We anticipate that the pre-Pipeline list will be more heavily utilized by the states than a Pipeline system which we equate to Final Design/Construction. Additionally, we envision many potential passenger rail corridors needing to be conceptually designed, considered, and advanced through the SDP process to reach the “pre-Pipeline” category.

- 9. *Through what means, and in consideration of what factors (beyond those enumerated in 49 U.S.C. 25101(g)(4)-(7)), should FRA establish the order (or prioritization) of the list of capital projects eligible for funding identified under the project pipeline, as called for in 49 U.S.C. 25101(g)(3)?***

The SPRC Members have identified various factors that the FRA could consider for establishing the order or prioritization of the list of capital projects within the project pipeline. These factors for consideration include the following:

- Compliance. Projects to bring corridor facilities into compliance with current law, regulation, or policy could be prioritized (e.g., station projects to bring facilities into compliance with ADA requirements).
- Project Benefits. Projects that produce relatively more significant benefits than other projects under consideration should be prioritized. There are multiple ways to define project benefits, including enhanced safety, ridership, farebox recovery, trip time reduction, among others. However, SPRC does not have a position regarding how best to define and compare project benefits.

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- Geographical and Equitable Distribution. The federal resources need to be distributed across eligible corridors equitably, including ensuring that new corridors/routes serve communities that are not currently served or are underserved.
- Track record of delivery. Funding could be prioritized to those corridor sponsors with a track record of delivering projects on time and on budget.
- Identification of State/Local Matching funds.
- Host railroad engagement.
- Consideration of providing preference to multi-state corridors based upon a high level of sponsors' commitment.

10. What other Program activities should be undertaken with the support of funding provided under 49 U.S.C. 24911(k)?

The SPRC Members have identified additional Program activities for consideration of the support of funding under 49 U.S.C. 24911(k). In addition to the eligibility for the development of Service Development Plans, systems planning, and development of analytical tools and models, as defined in the statute, funding under this category should also be available for:

- Maintenance and updates to existing Service Development Plans. The statute requires that the project pipeline be updated annually, and that SDPs be updated every five years. SDPs will need to be updated more frequently to meet the requirement to update the project pipeline annually,
- Capital program development. Funding for identifying capital needs within the corridor and identifying projects to address the identified need. This would encompass the work necessary to identify and vet candidate projects for a Service Development Plan,
- Rail Traffic Controller (RTC) or equivalent simulation model agreed to by the parties to determine infrastructure needs and advance railroad agreements, and preliminary design of identified capital improvements to develop capital cost estimates,
- Any studies required prior to the SDP to determine the feasibility of a corridor, and
- The NEPA process and preparation of NEPA documentation

11. Should FRA consider readiness factors not otherwise described in the statute when evaluating proposals submitted for the Program, and if so, what factors would be relevant in assessing readiness?

Readiness could play a role, but other factors should be given more weight. The term "readiness" is a broad term subject to multiple interpretations. If readiness means a project is further along in the corridor development process, then readiness should not be a factor for a project to enter into the overall Program. The intent of the early phases of the Program should be to assist in getting "shovel-worthy" projects ready. Readiness factors could be applied for

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projects moving to the pipeline for FD/construction. Still, projects with a lower level of readiness should be allowed to advance within the overall program for further planning to increase the level of readiness.

SPRC Members have identified potential factors which can assist in defining "project readiness," including the following:

- Engineering resources – consultants are under contract with the project sponsor, and project activities are within the designated scope of services,
- Survey & mapping – ground survey and right-of-way mapping activities have been completed and are available to the design team,
- Host Railroad engagement or agreements – what is the status of any required host railroad agreements,
- Right-of-way acquisition – is any right-of-way acquisition required for the project and what is the status of those acquisitions, and
- Sponsor track record – how has the sponsor performed in the past in delivering projects on time and on budget.

12. In determining the readiness of a proposal, should FRA consider the degree of commitment to the eventual implementation of the proposal demonstrated by: (1) The entity submitting the proposal, (2) the proposed service sponsor(s), and/or (3) the proposed capital project sponsor(s)?

In determining the readiness of a proposal, the SPRC Members support the concept that the FRA should consider the degree of commitment from the entity submitting the proposal, the proposed service sponsor(s), and/or the proposed capital project sponsor(s). Essentially, any proposal submitted to the FRA that does not have the express support of the entity submitting the proposal, the entity that will fund any operating deficit under Section 209, and the entity responsible for capital investment is fatally flawed by definition and not ready for implementation.

However, for multi-state proposals, there may be one sponsor unable to publicly commit at a specific time (e.g., state budget cycle limitations). These temporary limitations should not adversely affect the advancement of a worthy project proposal.

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13. Of the fourteen selection criteria enumerated in 49 U.S.C. 25101(c), are certain criteria of greater importance to the successful development of an intercity passenger rail corridor?

A survey conducted of SPRC States and Regional Rail Authority Members led to various responses to this question. Those responses do not lend themselves to offering a coordinated response to identifying which criteria are of greater importance.

Each SPRC Member assessed their own preferences based upon many factors. In some instances what is a high priority for one SPRC Member was viewed as having lesser importance. Therefore, we anticipate that the FRA will be receiving "state-specific" priority criteria rankings as individual SPRC Members complete and submit their own submissions to the FRA's Request for Information. However, the SPRC Members agreed that each of the fourteen listed selection criteria has varying levels of importance for the ultimate success of an intercity passenger rail corridor.

14. What other considerations may be appropriate in evaluating proposals for corridors to be developed under the Program?

To best summarize SPRC's responses to this question, we offer the following ideas submitted by some of our Members:

- Applicant involvement in state-based national passenger rail organizations, such as SPRC, CORT, SAIPRC, MIPRC, or similar organizations.
- Corridors operating at the time of the designation should be considered for automatically being accepted into the Program. The FRA has been designating high-speed passenger rail corridors since 1980. A summary of those corridor designations can be found on the FRA's website at [High-Speed Rail Timeline | FRA \(dot.gov\)](https://www.fra.dot.gov/High-Speed-Rail-Timeline). If there is a willing corridor sponsor, previously designated corridors should automatically be accepted into the Program.

15. In general, how selective should the Program be, particularly during the period directly following its establishment? Should all proposals that meet a minimum threshold be selected for development under the Program, or should only a limited number of top proposals be selected, and if so, why?

As one of SPRC's Members noted in their survey response, "The Program should be diverse and inclusive. To only include mature programs would stifle the development of committed and emerging programs across the country." However, to the extent acceptance into the program

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is a pre-requisite to future funding under authorized competitive grant programs, all existing intercity services should be accepted into the Program.

Additionally, as long as the Pipeline allows for proposals at different stages of readiness (including pre-Pipeline), the FRA should select proposals that meet the minimum threshold. This less restrictive selection approach enables more proposals to be advanced and builds support and momentum for advancing intercity passenger rail.

16. What considerations are relevant for determining the selectivity of the Program?

SPRC Members understand that the selection process will need to eliminate those projects that have less likelihood of success due to such factors as the lack of significant economic, environmental, utility, or excessive expense. However, the FRA should not wholly disregard worthy projects of regional importance that may be struggling due to current political situations, delays with advance funding due to current state/local budgets, the lack of resources from one of the sponsors, or the lack of cooperation from the host railroad.

Additionally, proposals that benefit the entire system should also be looked upon favorably. Specifically, these would be proposals that serve underserved areas by including increasing frequencies on regional connectors.

Planning and projects associated with international services should be included as eligible activities to the extent the operations in Canada are operated by Amtrak funded by a US-based corridor sponsor.

Finally, concerning Service Development Plan updates – Section 25101(f) implies that if 40% of the work to implement an SDP is not completed in five years, the sponsor and Secretary shall determine if the SDP needs to be updated. Any corridor's ability to complete 40% of the work within an SDP will be largely dependent upon the federal resources allocated by the FRA and the FRA's ability to obligate those funds in a timely manner. As previously noted, it would be appropriate to reevaluate SDPs on a more frequent schedule to ensure the projects within the project pipeline remain current, of the highest priority, and to update funding and NEPA status.

Additional Comments:

States have long been advocating for a formula-based funding program - for at least planning activities. In the absence of that, entry of state corridors into the Program should provide some similar outcomes to a formula funding program. Specifically, the Program would provide leverage for state DOTs and JPAs to build institutional knowledge and staff resources. The leverage comes from a state corridor or corridors gaining entry into a federal program that provides dedicated funding for service planning and NEPA activities.