

BEFORE THE  
FEDERAL RAILROAD ADMINISTRATION

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DOCKET NO. FRA-2022-0006:  
REQUEST FOR INFORMATION FOR THE  
CORRIDOR IDENTIFICATION AND DEVELOPMENT PROGRAM

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COMMENTS OF THE  
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

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The American Short Line and Regional Railroad Association (“ASLRRA”), on behalf of itself and its member railroads, submits the following comments in response to the Federal Railroad Administration (“FRA”)’s Request for Information (“RFI”) for the Corridor Identification and Development Program (“the Program”).<sup>1</sup> The Bipartisan Infrastructure Law (“BIL”) provides historic appropriations for railroad transportation grant programs administered by FRA in addition to authorizing new programs to enhance rail safety and to repair, restore, improve, and expand the nation’s rail network. The creation of the Program provides an opportunity to establish a framework to facilitate the development of new intercity passenger rail corridors.

Some ASLRRA short line members successfully host passenger rail service today, and there are many more who would eagerly welcome collaborative conversations with Amtrak and States about potentially hosting new or expanded services. However, it is important that any

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<sup>1</sup> ASLRRA is a non-profit trade association representing the interests of approximately 500 short line and regional railroad members and 500 railroad supply, contractor, and service company members in legislative and regulatory matters. Short lines operate 50,000 miles of track, or approximately 30% of the national freight network, employing approximately 18,000 people, and connect manufacturers, businesses and farmers in rural communities and small towns to larger markets, urban centers, and ports. 87 Fed. Reg. 6,938 (Feb. 7, 2022).

passenger rail service provider proposing to start new service on freight-owned infrastructure address potential impacts to the national freight rail system. Passenger rail service cannot be expanded without a thorough assessment of the impacts to current and future customer freight service on the freight railroad's owned infrastructure so that the fluidity and efficiency of our national freight rail system will not be harmed.

#### Suggested Principles for Potential Passenger Rail Service

When considering potential new or expanded passenger rail operations on host short line railroads, ASLRRA has put together the following suggested principles, also provided in the attached appendix in outline form, focusing on safety, access and capacity, full compensation and risk mitigation, and a customized approach. These principles would respond to question #16 in the RFI, "What considerations are relevant for determining the selectivity of the Program?" ASLRRA urges FRA to give preference to proposals that can show that they have addressed all of our suggested principles.

##### 1. Safety First

Safety must come first when passenger or commuter trains share track or rights-of-way with freight trains. Any potential freight host would need to understand exactly which additional FRA (and potentially other) safety regulations would be applicable to the additional service. Any proposal provided to the Program should show how safety has been evaluated and addressed.

##### 2. Access and Capacity

Passenger rail use of freight rail corridors should not compromise freight railroads' ability to serve present or future customers. The parties should agree to the level of passenger service on the line. ASLRRA recommends that the parties obtain a neutral third-party

transparent study accounting for both current and projected freight volumes, and changes in train makeup and train length. The parties should negotiate the method for passenger operations schedule changes or expansions. This should include an analysis of operational impacts and any needed infrastructure improvements, including additions of siding or lines. Additional concerns should be addressed if it is new service or an alternative route for the passenger railroad.

ASLRRA recommends that any proposal to the Program show how any potential access and capacity concerns have been addressed.

### 3. Full Compensation and Risk Mitigation

Freight railroads should be compensated for the use of their tracks and not be expected to subsidize commuter or passenger railroads. The parties should negotiate all operations in advance, including liability for damages, performance incentive payments, and additional administrative costs. Freight hosts must evaluate all additional capital and ongoing expenses that would be incurred for the new service, including: grade crossing improvements, positive train control or other signal system installation, track investment to upgrade the class of track and the associated maintenance-of-way expense, additional dispatching needs, additional facilities necessary for passenger rail service, and additional insurance needs and/or liability containment. The parties should also negotiate each additional or ongoing expense, and what occurs if/when passenger operations cease.

It is imperative that any proposal to the Program address compensation and risk mitigation. As most short line railroads are small businesses, an ill-planned venture that does not fully address these issues could render a host short line railroad economically unviable.

### 4. Proposals Should Be Individually Evaluated

Finally, each project involving passenger rail on freight-owned corridors has unique challenges and circumstances that should be evaluated on a case-by-case basis, rather than driving to a one-size-fits-all approach for evaluating new or expanding passenger service on a line shared by freight rail. While we acknowledge the economies of scale that FRA seeks to gain with the Program, the agency needs to keep in mind that each corridor and each project is unique.

The investment from the BIL allows for passenger rail expansion, which will be a benefit to the public. Our members look forward to participating in future opportunities to efficiently share infrastructure. However, we caution FRA to evaluate each opportunity in the the right way – one that protects the critical freight rail service already being provided and also creates new passenger rail services that the country can be proud of and that will attract significant enough ridership numbers to meaningfully address our national policy goals around safety, the environment, and mobility.

ASLRRA appreciates the opportunity to present the perspective of the short line railroad industry on this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah Yurasko".

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March 8, 2022

## Appendix

### ASLRRA Suggested Principles for Passenger Rail Service on Host Short Line Freight Railroads

#### I. Safety First

- A. Safety must come first when passenger or commuter trains share track or rights-of-way with freight trains.
- B. Freight hosts need to become knowledgeable regarding how additional FRA and other safety regulations would apply to the additional service.

#### II. Access and Capacity

- A. Passenger rail use of freight rail corridors should not compromise freight railroads' ability to serve present or future customers.
  - 1. Parties should agree to the level of passenger service on the line
    - i. Recommend neutral 3<sup>rd</sup> party study
      - a. Should be transparent
      - b. Should account for both current and projected freight volumes
      - c. Should account for changes in train makeup and train length
    - ii. Parties should negotiate how passenger operation schedules are to be changed or expanded
      - a. Should include an analysis of operational impacts
      - b. Should include an analysis of any additional needed infrastructure improvement
  - 2. Parties should address capacity concerns
    - i. Ensure that the line can support the service proposed
    - ii. Determine whether additional sidings or lines are necessary
    - iii. Additional concerns should be addressed if it is new service or alternative route for the passenger railroad

#### III. Full Compensation and Risk Mitigation

- A. Freight railroads should be compensated for the use of their tracks and not be expected to subsidize commuter or passenger railroads.
  - 1. Parties should negotiate liability for damages
  - 2. Parties should negotiate performance incentive payments
  - 3. Parties should negotiate additional administrative costs
- B. Freight hosts must evaluate additional capital and ongoing expenses would be incurred for the new service, including:
  - 1. Grade crossing improvements
  - 2. PTC or other signal system installation
  - 3. Track investment to upgrade the class of track (and the associated maintenance-of-way expense)
  - 4. Any additional dispatching needs

5. Any additional facilities necessary for passenger rail service
  6. Additional insurance needs and/or liability containment
- C. Parties should negotiate:
1. For each additional/ongoing expense
  2. What occurs if/when passenger operations cease

#### IV. Individual Evaluation of Each Project

- A. Each project involving passenger rail on freight-owned corridors has unique challenges and circumstances that should be evaluated on a case-by-case basis.