

Adopted by the APTA Board of Directors (October 3, 2010)
American Public Transportation Association
**Fleshing Out an Ongoing Federal High-Speed and Intercity Passenger Rail Program:
Principles for a Legislative Framework**

1. *Preamble:* The act should clearly state the intent to integrate high-speed and intercity passenger rail (HSIPR) corridors across the United States with the existing Amtrak network, with commuter rail and transit operations wherever possible to create a national passenger rail network. This network would be part of a balanced, multi-modal, and inter-connected national transportation system that would enable America's air, rail, bus and highway systems each to function most efficiently. It should speak to the national benefits to be achieved in doing so, including, among other things:
 - the importance of HSIPR in meeting the critical mobility needs of Americans by adding needed capacity to our transportation network, and in so doing provide new travel options;
 - the relation between transportation policies to overarching national priorities including energy, environment, and economic goals;
 - the opportunity to generate hundreds of thousands of new American jobs and nurture the growth of existing domestic businesses and new domestic businesses, as well as to create many additional jobs due to for economic development around stations; and
 - the national benefits gained through connecting America's economic hubs to each other and to rural America.

Together, this represents a new, forward-looking vision for 21st century transportation enabling choice, mobility options, connectivity and economic growth.

2. *HSIPR Title in Surface Transportation Authorization Legislation:* A separate HSIPR title shall be included in the next authorization of federal surface transportation laws, funded by other than Highway Trust Fund revenues.
3. *Funding levels:* Not less than \$50 billion in federal funding should be provided over the initial six-year authorization period, supplementing the \$10.5 billion provided through the American Recovery and Reinvestment Act of 2009 and FY 2010 transportation appropriations. In this context, APTA reaffirms its call for a separate transit title of no less than \$123 billion over six years.
4. *Funding partnerships:* The federal share shall be the standard 90 percent share consistent with the construction of the interstate highway program. HSIPR corridor projects shall be financed through a combination of federal, state, local, regional and private funding. Tax incentives should be provided to attract private sector investment and participation.
5. *Dedicated funding source:* There should be a dedicated federal revenue source, other than revenue sources used to fund the Highway Trust Fund, for planning, design and construction of HSIPR. Consistent with White House announcements, proceeds from the auction of spectrum for mobile wireless use could be used as a source of funding for the initial years for the federal HSIPR

program. This is consistent with previously adopted APTA principles that require that HSIPR investments not interfere with the federal Highway Trust Fund.

6. *Ability to leverage funding:* Revenue streams created through dedicated funding programs should be structured to encourage the leveraging of funds through public and private financing, thus enabling projects to be implemented faster and at less expense, and with shared risk. HSIPR programs should be broadly eligible for all federal credit support programs.
7. *National vision, plan and map:* The national vision for high-speed and intercity passenger rail shall be represented through a national map and corridor descriptions reflecting defined and agreed-to passenger rail corridors that meet criteria and increase the speed of passenger rail transportation. The intent is for these defined and agreed-to corridors to be completed over a multi-year period through a system of scheduled federal payments. Drawing from a dedicated and predictable funding source, projects would be allocated sufficient funds so that they can be completed on a reasonable schedule. This national plan will be updated periodically, shall identify obligation requirements for each corridor, shall add additional corridors as such corridors are justified, and shall recognize that additional projects in the planning stages will be added over time. The map shall include the Northeast Corridor and recognize the cost to bring the Northeast Corridor to a state of good repair and to assure capacity for growth.
8. *A combination of annual and discretionary grants:* Corridors represented on the national map shall receive annual formula allocations of funds consistent with the schedule to complete such projects. Overall, a majority of HSIPR funding should be provided on a steady, predictable basis. Additional funding should be awarded on a discretionary basis to projects which are ready to go and are judged to have special merit and rank high based on national criteria which could include, among other things, competitive travel times, regional connectivity, frequency of service, and national significance. Consideration would be given where advancing the project schedule would significantly enhance the overall benefits of the project. In addition, projects acquiring separate rights-of-way to avoid operating in mixed traffic should be encouraged through the discretionary grant program. Planning funds shall be provided to nurture the next generation of projects towards national systems goals.
9. *Eligibility:* HSIPR grants shall be awarded to states, groups of states, or public authorities authorized by states or groups of states pursuant to sections 301, 302 and 501 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA).
10. *Local and regional planning/decision-making:* Projects should be defined at the state and local level, but should align with national goals and objectives. The planning process should determine the type of project most appropriate for the particular region (i.e., Express Rail 150 +mph; Regional Rail 110-150 mph; Emerging Rail 90-110 mph; Conventional Rail 79-90 mph.) Public involvement is a key element. The national vision, plan and map should be the result of a consultative process with state and local governments. State rail plans should address state level funding issues, service integration issues, short and long-term sustainability, and shall establish the terms of private sector involvement consistent with the National Rail Plan.

11. *Grant agreements:* Funding shall be provided through multi-year contract authority. Grants should fund minimal operable segments or provide added utility on selected corridors.
12. *Program delivery:* The federal grants review process should be kept simple. Work in pre-approved corridors should proceed with minimal grant review. Accountability should be enforced through self-certification and post-delivery reviews, rather than through a burdensome process that holds up projects by requiring extensive documentation up-front. However, the U.S. DOT should provide initial reviews and screening as to whether applications or applicants comply with express requirements of grant statutes before grants are released. U.S. DOT should establish common standards, across all U.S. DOT agencies, for the efficient administration of provisions of the National Environmental Protection Act (NEPA). An expanded system of categorical exclusions should be developed and widely applied. A process for waiving non-statutory requirements when needed to expedite projects should be established for HSIPR projects, as it currently exists for FHWA projects under the SEP 15 program. Permits and review shall be treated in an expedited manner, with reviews coordinated in a concurrent manner and not handled sequentially.
13. *Expedited grant process:* The Secretary may approve funding prior to all grant issues being resolved, provided there is agreement on all critical aspects of the project and on key contractual areas and passenger service outcomes, and provided that the grantee shall remain accountable for addressing remaining issues in a reasonable period of time and will be held accountable through normal audits. Adequate funds shall be available for program administration in order that the HSIPR program is managed efficiently and so that grants and project decisions can proceed expeditiously.
14. *Connectivity:* Connectivity with existing transportation systems and networks must be a key element of project plans and should be considered in funding decisions. Project scopes may include activities which establish and support local and regional public transportation services connecting to facilities. All corridor projects shall include a plan outlining strategies for connecting with current passenger rail, urban transit, regional and intercity bus, airports, highways, bicycle networks, and pedestrian networks.
15. *Shared Facilities:* Common, incidental benefits afforded commuter and regional passenger rail systems as a result of investments in HSIPR corridors should be an eligible part of the corridor investment.
16. *Contingencies:* Project agreements should provide for a process that will allow reasonable adjustments to the project cost, scope and schedule based on new information that becomes available and unanticipated new circumstances that arise in the course of implementing a project. Financial risk should be shared by all parties.
17. *Competition:* The federal and state supported HSIPR program should be designed to encourage open, strong and fair competition among competing pre-qualified operating and rail service companies. To ensure fair competition, all competing companies must comply with all federal railroad laws.

18. *Access to rail freight corridors:* Access to freight railroad rights-of-way is a significant issue in the implementation and the eventual outcome of the federal HSIPR program. Federal policies should encourage growth of both rail-passenger and rail-freight operations, as there are substantive public benefits to both. Within this context, an equitable and fair process for negotiating passenger rail operational access on freight railroads and in the use of adjacent freight rail rights-of-way must be established.
19. *Terms of liability:* Within an affirmative context of safety, the existing \$200 million cap on liability as established in the Amtrak Reform and Accountability Act of 1997 should apply to all claims against high-speed and intercity rail operators, sponsoring agencies, host railroads, and commuter railroads and shall apply consistently regardless of the operating entity or its contractor. Without such statutory limits, the cost of obtaining insurance and the cost of rail passenger operations will become prohibitively costly. Host railroads shall not require liability coverage in excess of the statutory cap.
20. *Research, Technology and Standards:* The federal HSIPR program should support standards development, technology research, a cooperative research program, job training, career development, data collection, information management and international exchange. As with the interstate highway program, consideration should be given to establishing common standards to be consistent throughout the national program, to assure inter-operability and other desirable national features.
21. *Disadvantaged Business Enterprise (DBE) Program:* A DBE program for HSIPR should be established.
22. *Grade Crossing Elimination:* Building on the Federal Highway Administration's Section 130 grade-crossing elimination program, a robust federal grade-crossing elimination program should be established and adequately funded within the Federal-aid highway program, with recognition of high-priority passenger rail corridors, and high-risk grade crossings within those corridors.
23. *Access for Persons with Disabilities:* In writing a new HSIPR title, Congress shall recognize and support the continued applicability of the Americans with Disabilities Act.