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Docket Operations  
M-30, West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

**RE: FRA-2022-0006**

Dear Docket Clerk:

On behalf of the 1,500 public and private-sector member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Railroad Administration's (FRA) Request for Information (RFI) concerning the Corridor Identification and Development Program (Program) published in the Federal Register (Vol. 87, No. 25) on February 7, 2022.

The Program creates a new framework to facilitate the development of new, enhanced, and restored intercity passenger rail corridors throughout the country. As an organization composed of mobility providers and infrastructure agencies, we view intercity passenger rail services as the top tier of a broader, integrated passenger mobility network. The Program provides an opportunity to strengthen integration of intercity, regional, and local services while improving connections between urban and rural areas.

We appreciate that FRA is seeking comment from the industry and all interested parties and is considering how existing corridor identification and project development processes can be streamlined and improved. APTA strongly supports the Program, and we are grateful for the opportunity to provide comment. In developing this response, APTA surveyed its members to develop the responses to the questions posed by FRA in the RFI. APTA organized and facilitated three meetings of our members to prepare our responses to FRA's questions. Our responses are guided by several core principles:

1. Build upon existing FRA guidance including state rail plan guidance, service development planning and environmental analysis processes with engagement of agencies for increased level of success.

2. Focus on an inclusive pipeline of projects with early advancement of projects that can be completed successfully in the near term.
3. Devolve decision-making to project sponsors following project identification and appraisal guidance extracted from other DOT administrations with well-developed capital programs.
4. Recognize that differing levels of investment should result in differing levels of technical analysis and environmental clearance.
5. Streamline the project appraisal process by defining warrants that specify how projects can qualify for this streamlined process for minor service expansions based on market analysis. Project appraisal should be based on sound business case principles, using benefit/cost analysis and other USDOT priorities including network and community connectivity, safety, equity, and sustainability.
6. Any future corridor should provide universal Americans with Disabilities Act (ADA) accessibility.

APTA believes the Corridor Identification and Development Program should include defined phases and proposes that the FRA consider the following:

1. Corridor Identification and Designation Phase – FRA in coordination with the States, State Service Sponsors, and Amtrak identify a “long list” of corridors eligible for planning activities that become eligible for future funding. Key product: National Passenger Rail Plan including a Vision Map of a national network of intercity passenger rail services that builds on FRA’s regional rail studies, not unlike the “National System of Interstate Highways” map prepared by the Federal Works Agency in the late 1940s.
2. Service Development Plan Phase – Project sponsors prepare (or update) SDPs that define a phased corridor-wide program of projects (a “corridor project inventory” pursuant to 49 U.S.C. 25101(d)(2)) generally up to about 10% level of design. Key product: Service Development Plans in each corridor, updated every five years as needed.
3. Project Development Phase – Project sponsors advance individual projects through Preliminary Engineering and NEPA (generally up to about 30% level of design) to support FRA assessments of readiness to enter the Pipeline and outline funding strategy. Key product: Record of Decision for each project and FRA approval of Entry to Pipeline.
4. Final Design Phase – Project sponsors secure access to right-of-way and advance individual projects to 100% design (or bridging documents for design-build), execute critical third-party agreements including host railroads, finalize cost estimates, and secure local financial commitments. Key product: FRA approval of Construction Grant Agreements.

5. Construction Phase – Project sponsors complete construction and start-up activities. Key product: FRA approval to open intercity passenger rail projects for revenue service.

APTA also believes that the Corridor Identification and Development Program provides FRA an opportunity to outline a better-connected national network.

In response to the specific questions that FRA has asked, APTA, on behalf of its members, has the following responses.

***Question 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?*

APTA recognizes the significant role Amtrak's statutory rights to access host railroads' tracks provides for cost effective corridor development. In many cases this has proven to be very successful in the operation and development of intercity passenger rail corridors. APTA prefers to determine independently the role and engagement of Amtrak during a project sponsor's own planning process.

At times, there will be opportunities and needs that drive Amtrak's inclusion in the process from the beginning. However, at other times, APTA believes that Amtrak, as a train operating company, should be engaged in the development later in the process so as to not influence the direction of corridor development. The starting point for all negotiations must be existing bilateral service agreements between Amtrak and other operators where available.

Examples of services that Amtrak could provide, in corridors where it is the potential operator, include planning services, successful host railroad engagement, ridership forecasting, and benefit/cost analysis services. All assessments of demand and model inputs/assumptions must be agreed to by other operators in the corridor.

If Amtrak is the envisioned operator, it could also potentially provide grant application support, partnership funding and political influence. These could be services that Amtrak provides but should not unduly influence a project sponsor to select Amtrak as the operator. APTA recognizes the importance of encouraging private sector involvement and competition for train operations. Other operators on the proposed corridor must actively concur with any proposed services.

***Question 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?*

Service Development Plans are a key element of corridor development. APTA supports the role of FRA as an advisory or supporting agency rather than an approving one. APTA believes corridor identification and service development planning is a local decision-making process. The starting point for negotiations must be existing bilateral service agreements where available. FRA approval will occur during the NEPA process and at the grant application stage. FRA should continue to review such plans for adherence to the guidance issued for such plans. However, specific timeframes for reviews need to be outlined and adhered to. Corridor development can be scheduled for Quarters 2 and 3 each year with local engagement to provide a predictable timeline for agencies to meet. Staffing of FRA or contracted services will need to match the demands of this program.

***Question 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?*

APTA supports the selection of one document to define the longer-range direction of its plan. Members must already produce a State Rail Plan, which should function as the long-range integrated network plan. SDPs should not be seen as longer-range planning documents but should have the flexibility to support phased implementation of larger projects. An SDP should be a decision document that:

- Defines the project and documents the technical analysis conducted to arrive at the local decision.
- Reduce waste and duplicity through the selection of a comprehensive planning process for passenger rail corridor identification and development.
- Strengthens and streamlines the already existing FRA process.
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The SDP is a local decision-making document that narrows the alternatives and defines the project leading to the environmental decision document.

***Question 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)?*

As outlined in the previous answers, APTA supports flexibility in planning and less oversight where possible. The current tiered NEPA process within FRA has some benefit. However, it is costly and time consuming. It also does not adapt to delays and local issues that arise later in the process requiring revisions and further FRA reviews.

APTA supports an Alternatives Analysis process allowing members to develop and refine the service plan before beginning the NEPA process. The SDP could replace the FRA Tier I NEPA document, strengthening the local decision-making process resulting in a preferred alternative ready for project level environmental review. Once a preferred alternative is selected, NEPA should move forward. FRA does have and should use those categorical exceptions where applicable. However, once a NEPA decision has been awarded, local issues such as station locations, or changes in technology should not trigger a new NEPA evaluation unless the anticipated changes in environmental impacts constitute a significant alteration of the built and natural environment.

***Question 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)?*

APTA believes that FRA should require an appropriate level of public involvement that conforms to requirements under NEPA. Early, continuous public involvement and stakeholder engagement, particularly from disadvantaged communities, are essential and fundamental to project success. Corridor co-creation and development with communities and early engagement fosters project buy-in and good will. A comprehensive assessment and analysis of community benefits and impacts with consistent consideration throughout the process will build community trust and support. Given substantial shifts in the public engagement space and with the explosion in social media, overall public awareness and virtual participation projects of this magnitude and impact require robust, modern, accessible information and routine community outreach and public forums (virtual or in person) to achieve the highest levels of engagement.

***Question 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?*

APTA believes that the SDP should be a planning process for refinement of alternatives analysis. FRA should review and comment as necessary. The FRA can provide a key role in the engagement with planners and stakeholders including elected officials, state DOTs, Governors, host railroads, operators, municipalities, and other political and executive leaders to develop consensus and to establish corridor development priorities within a region. The process should be kept local - knowledge of communities, equity considerations, operational details are driven by local stakeholders.

FRA should continuously work to improve methods to foster a more efficient, streamlined process for project review. The duration and timeline for all stages of implementation should be closely examined, and any new or additional levels of engagement should not add time to the already lengthy approval process. Streamlining and timeline reduction for execution are vital to the SDP development and implementation.

***Question 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)?*

APTA believes that establishing a “pre-Pipeline” will facilitate more meaningful expectations and delivery timelines. FRA’s annual report to Congress should indicate the status of corridors and projects in all phases of development pursuant to 49 U.S.C. 25101(g)(1). Pursuant to 49 U.S.C. 25101(g)(2), in its annual report FRA should clearly identify projects that have advanced through the Project Development (PE/NEPA) Phase and those eligible for construction grant agreements.

Congressionally designated HSR corridors and locally derived emergent corridors not included in any of the formal planning documents should also be included in the ‘pre-Pipeline’. Each one of the corridors would be in a different state of readiness. Some would be simply aspirational; some would be in planning and others would be completing NEPA and design work. There are multiple steps that must be achieved before a project is ready for construction. FRA should establish a standard for readiness, but it does not mean ‘shovel ready’ meaning final design is done. Many projects are worthy but not yet at the shovel ready stage and those projects in the earlier stages of development would suffer greatly because a project lacks the maturation of others.

The “Pipeline” would thus include projects that have received a Record of Decision at the conclusion of the Project Development (PE/NEPA) Phase and are advancing toward or have received construction grant agreements. While many projects identified in the Corridor Identification Phase will not have completed SDPs or PE/NEPA phases before the first annual report is due to Congress, the first Pipeline project inventory published by FRA could include projects that have completed these phases. The Pipeline would be expected to grow each year as projects move through the “pre-Pipeline” phases.

Pursuant to 49 U.S.C. 25101(f), SDPs must be updated every five years if at least 40 percent of the projects in a given SDP have not advanced to construction. Because some SDPs will include projects that are implemented beyond the five-year timeframe, the list of projects in the annual report and their status will be revised as SDPs are updated. To facilitate the evaluation of projects and entry into the pipeline, such reviews should be deferred to States, groups of states, and/or regional entities to the maximum extent possible, with concurrence of commuter railroads as applicable.

***Question 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?*

APTA supports establishing a “pre-Pipeline” of projects and believes this is a balanced and sound approach for building a pipeline of projects. FRA should develop a project-level phasing process to begin to identify funding and investments regardless of construction readiness, assuming projects meet other FRA criteria and requirements. FRA can and should use existing guidance for prioritization and when new or additional guidance is created, FRA must ensure it aligns with existing guidance. For instance, FRA already requires inclusion of projects in the state rail plan. FRA should recognize that state priorities continue to evolve and change so it is important to align new initiatives with existing FRA guidelines and procedures. FRA should offer guidance on the segments in the pipeline and prioritization. All projects need to have the same level of preparation using new IIJA funding for planning, so all projects are on a level playing field.

In the Corridor Identification Phase, project sponsors advance corridors eligible for planning funds through alternative analyses, ridership forecasting, conceptual design, economic studies, and public involvement that bring project development to approximately 10% design. The resulting corridor-level SDPs identify the “corridor project inventory” that outlines a project-level phasing strategy.

In the Project Development Phase, project sponsors advance projects identified in SDPs through Preliminary Engineering and NEPA to about 30% design and Record of Decision (ROD). The FRA-approved project-level NEPA documents establish readiness for federal design and construction grants.

***Question 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)?*

APTA recommends FRA establish a prioritization process that accounts for and can be applied to projects at various stages of development within the Pipeline and pre-Pipeline. APTA supports requiring the host railroad approval in the prioritization during project-level environmental documentation, but not necessarily in the pre-Pipeline during Corridor Identification, Service Development Planning, and Project Development Phases. APTA supports the selected prioritization process clearly accommodate and incorporate newly formed statutory procedures and regulations into previous projects and documentation.

When a project has cleared NEPA, demonstrated adequate risk mitigation strategies, and committed local funding, construction grants should be awarded on a first come first served basis as available funding allows.

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

The massive increase in funding for intercity passenger rail projects in the BIL will require FRA to transition quickly from an agency focused on railroad safety and other regulatory functions to one delivering a large capital program. FRA should develop a program to promote workforce development and increase workforce capacity, including:

- Adding agency staff with skills in rail network planning, economic development evaluation, financial analysis, project management, and other disciplines;
- Engaging project management and oversight consultants (PMOCs) to support FRA staff in the evaluation of SDPs, project-level NEPA documents, project management plans and other materials prepared by project sponsors;
- Develop a pipeline of young professionals with the skills to build a national intercity passenger rail system through STEM programs in high school, community college, and universities.

***Question 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?*

APTA recommends that FRA advance projects quickly through the five-phase development process that have already completed corridor level SDPs and project level NEPA documents.

At the point when FRA commits construction funding, FRA should ensure that the selected projects within the Pipeline are able to withstand political changes and that funds will be obligated throughout the life of the project. This can be accomplished by requiring project sponsors to demonstrate local financial commitment, not unlike in the CIG program.

APTA believes that FRA has an important role to play in setting the larger context of investment priorities especially when projects connect regions or serve as key connections to the greater rail network, particularly those regions with high population growth projections.

In the interest of streamlining, FRA should consider permitting project sponsors to self-certify that they are meeting program requirements.

***Question 12:*** *In determining the readiness of a proposal, should FRA consider the degree 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)?*

APTA recognizes that the lack of clarity of the commitments of project stakeholders can be a significant risk to project delivery and operation. One of the functions of Project Development should be to identify all parties' roles and responsibilities for the implementation and operation of intercity passenger rail service, and for Design to be the formal execution of all agreements necessary to carry out the project and operate the service.



APTA recommends FRA establish distinct commitment levels for: (1) projects in the Pipeline that are advancing forward and (2) pre-Pipeline projects that are in the planning phases of development. In both cases, the readiness commitment factors should be consistent and clearly stated when advancing projects throughout the pipeline process.

Readiness commitment factors for projects in the Pipeline phase should include ensuring adequate staffing capacity of the project sponsor, host railroad agreements, legislative support, local funding commitments by budget resolutions, state appropriations, approved interagency agreements, private sector letters of commitment for funding/financing, and state statute alignment. Projects in the pre-Pipeline should require a lower level of project readiness which does not necessarily include funding or financial commitments, host railroad agreements, or legislative alignment.

***Question 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?*

APTA recommends FRA to ask project sponsors to summarize information from previous planning, environmental, and engineering studies in their proposals for the Corridor Identification phase. This response should incorporate prior state and regional planning efforts and be consistent with other statutory procedures already listed in these criteria. Because the level of planning completed for components of a viable national passenger rail system varies widely from place to place, a lack of available information from a project sponsor should not disqualify a corridor or project from further consideration.

Following the Corridor Identification process, the SDP should consider categories/tiers of service, station locations, and stopping patterns to make the case for the right service level in a given corridor. A benefit/cost analysis can be done during the SDP to examine and quantify wider economic benefits, including benefit/cost of changes in freight capacity in the case of shared corridors. The FRA's existing framework of Core Express, Regional and Emerging service tiers and investment levels will distinguish true high-speed rail from more conventional passenger rail service. Accordingly, while all 14 criteria are important, APTA recommends that priority be given to the following criteria in the Corridor Identification process:

- (1) whether the route was identified as part of a regional or interregional intercity passenger rail systems planning study; (2) projected ridership, revenues, capital investment, and operating funding requirements;
- (3) anticipated environmental, congestion mitigation, and other public benefits;
- (4) projected trip times and their competitiveness with other transportation modes;
- (5) anticipated positive economic and employment impacts, including development in the areas near passenger stations, historic districts, or other opportunity zones;

- (9) serves historically underserved communities;
- (10) whether the corridor would benefit or improve connectivity with existing or planned transportation services of other modes;
- (11) whether the corridor connects at least 2 of the 100 most populated metropolitan areas;
- (12) whether the corridor would enhance the regional equity and geographic diversity of intercity passenger rail service;
- (13) whether the corridor is or would be integrated into the national rail passenger transportation system and whether the corridor would create benefits for other passenger rail routes and services;

FRA should expect that SDPs would provide more consistent detail across corridors on considerations associated with the other criteria. APTA recommends that FRA's SDP guidance should thus establish specific requirements and evaluation criteria for assessing each of the 14 considerations in 49 U.S.C. 25101(c) while meeting the SDP-specific requirements of 49 U.S.C. 25101(d). APTA also recommends that during the planning phase corridors do not need to provide extensive detail on all 14 criteria during the Corridor Identification phase, in order to encourage sponsors to advance corridors to a comparable level of definition.

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

While APTA does not recommend FRA develop additional criteria to evaluate proposals, there needs to be a consistent interpretation of the nuances encompassed within the initial framework established by FRA. For example, additional considerations and USDOT priorities related to safety, security, sustainability and resiliency should be noted as appropriate by the corridor sponsor, including current FRA requirements and PTC rules.

Building on criteria (1) above, a corridor should demonstrate how it is connected to a megaregion, and as appropriate, a nationwide rail system. A project in a Service Development Plan should specifically name the project sponsor, how it will be funded, how it will comply with federal laws and requirements, and the project's financial plan. With this detailed information in hand for all corridors, FRA can develop and submit an annual project pipeline demonstrating how funding will be distributed on a yearly basis.

As described in APTA's High-Performance Rail ROI Report<sup>1</sup>, published in 2021, a return on investment (ROI) analysis should be part of the process, with the methodology and conclusion formally entered into the corridor evaluation process. Via this approach, a flexible system is

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<sup>1</sup> <https://www.apta.com/wp-content/uploads/HSIPR-v1-Guide-June2021.pdf>

warranted – meeting the public good and providing the highest level of mobility in the short term, and not precluding higher-speed, exclusive right-of-way corridors in the future.

The ROI analysis should be flexible to account for a variety of benefits. Some examples are:

- a. Benefits relative to other modes such as highway and air
- b. Benefits to rural communities, increased mobility in rural or underserved areas
- c. Freight throughput on shared corridors as well as earning potential through utility installation along the right-of-way
- d. Connectivity and workforce benefits

**Question 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?*

APTA recommends that FRA use the Corridor Identification Phase through May 2023 to focus on two main elements, running simultaneously in parallel:

- (1) Quick wins for projects that are ready to advance per the criteria in Q13 and Q14 above. These projects are able to be quickly funded and established enough to withstand any changes in political leadership
- (2) A pre-Pipeline of projects with a longer-term horizon, facilitating the planning process for future generations. This pre-Pipeline process then screens out projects, and advances those that should develop an SDP.

For element (1), the evaluation process should be structured such that readiness is an early consideration to allow the potential for early wins and success stories with passenger rail. Corridors with mature plans, committed funding sources, available workforce to deliver the project, and other factors demonstrating readiness to be quickly implemented, should be prioritized for the first several years of this program to allow for some “quick wins” with improvements to existing corridors or entirely new passenger rail corridors serving as demonstration projects for the rest of the nation. The best projects with the highest ROI should be advanced, particularly those that can begin service in a short amount of time. Additionally, APTA recommends the advancement of projects that would be nearly or completely funded following grant awards to successfully achieve the proposed benefits and ROI as opposed to partially funded projects that must be scaled back resulting in potential unrealized benefits.

Element (2) should result in a minimally selective list of corridors that are eligible for planning funds to define a proposed program of projects. The objective of this phase should not be to screen out corridors that have not yet received detailed planning work in the absence of a well-

defined national passenger rail plan, but rather to identify potentially redundant options or group corridor segments as alternatives to be resolved in the SDP Phase.

APTA recommends that this initial Corridor Identification Phase focus on identifying the corridors and empowering regions to work towards planning and project development. This part of the process includes a market analysis to understand the segments, communities and states involved.

***Question 16: What considerations are relevant for determining the selectivity of the Program?***

The first project(s) to advance through this new Program need(s) to be extremely selective with a focus on fast construction and a history of successful project delivery to demonstrate success. Only at the end of the Project Development (PE/NEPA) Phase should FRA make decisions on readiness to advance into the Pipeline and project-specific federal funding commitments.

APTA recommends that FRA view the SDP Phase as the opportunity for each corridor to “make its case” for a general corridor-wide level of federal investment (e.g., aligning with the Core Express, Regional, and Emerging categories used in FRA’s regional planning studies to-date) and identifies specific projects for more detailed study. A solid market analysis and strong business case will help identify worthy projects and provide the foundation for public and political support. This subsequent SDP phase analyzes how passenger rail can address the needs of the corridor. If an entity is choosing to advance a true HSR corridor, i.e., Core Express, there may be additional value in a HSR corridor that already has conventional passenger rail service.

We appreciate the opportunity to comment and look forward to working with the FRA. If you have questions or would like to discuss our comments further, please contact Linda Ford, APTA’s General Counsel, at (202) 496-4808 or [lford@apta.com](mailto:lford@apta.com).

Sincerely yours,



Paul P. Skoutelas  
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