

Wake Up Washtenaw

Advancing sustainable development
in Washtenaw County, Michigan

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Mr. Peter Schwartz
Chief, Project Engineering and Transportation Planning Division
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United States Department of Transportation
by electronic mail to <http://www.regulations.gov>

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In re: docket number FRA–2022–0006: Public response to Request for Information

Thank you for this opportunity to provide information on passenger rail corridor development from the perspective of environmentally responsible community development and transportation. *Wake Up Washtenaw* is a registered advocacy nonprofit in Ypsilanti and Ann Arbor, Michigan. The organizational goal is to promote healthy, sustainable communities in Washtenaw County, Michigan and beyond, through transit oriented development (TOD). With transportation responsible for about one-third of greenhouse gas pollution, we believe passenger rail can play an important role in climate mitigation by lowering pollution, increasing ease of travel, and shifting development patterns from sprawl to compact, convenient communities.



We are honored to respond to the questions enumerated in *Federal Register* document 2022–02450.

Questions about Roles and Responsibilities Within the Program

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?
 - Since Amtrak has provided passenger service for over 50 years, their proposals carry the weight of experience and a nation-wide perspective. Amtrak’s focus is on overall operational factors, and should be given weight as such.
 - However, state and regional entities may be more familiar with economic and social factors in their part of the country. The needs of regions, states, and Municipal Planning Organizations (MPOs) are more focused on development, competitiveness in the global economy, and social equity. Their proposals should carry more weight as a result of this focus.
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?
 - The first paragraph, 49 U.S.C. 25101(d) states, “... the Secretary shall partner with the entity that submitted the proposal... to prepare a service development plan”. The term *partner* is key to this section, and very refreshing. In recent years, FRA’s role has been more

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adversarial than one of partnership, taking years to evaluate proposals, then turning them down without discussion for trivial or completely spurious reasons. Perhaps the most glaring example of this role was the attempt to cancel all federal funding for the California High Speed Rail project, resulting in costly litigation which slowed the progress of the project and ultimately reversed the FRA’s decision. Here in Michigan, a Draft Environmental Impact Statement was submitted in 2014 – the result of more than two years of studying the Chicago to Detroit/Pontiac route which has been plagued with unreliable on-time performance. In 2018, four years later, a terse statement from the FRA effectively halted further work on the project without discussion. Similarly, the City of Ann Arbor’s effort to replace the critically overcrowded Amtrak station (the busiest in the state) was terminated by the FRA in 2021 without discussion after two years of delay, based on easily correctable misunderstandings.

Wake Up Washtenaw sincerely looks forward to an era in which the FRA will be a true partner, rather than an adversary, of our cities, states, and interstate passenger rail commissions.

Questions about Service Development Plans (SDPs)

- 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?
 - This is highly desirable. A major flaw in the United States’ passenger rail development since 1970 has been lack of long-term planning. Large transportation networks are, by nature, projects requiring years of careful planning and execution. (The 2-to-4-year turn-around time for project approval at the FRA is only one factor that has led to lengthy project timelines.) Every corridor improvement plan must be phased through significant “corridor project inventories”; to consider each individual project in such inventories without regard to the overall long-range plan could easily lead to wasted time, money, and “bridges to nowhere”.
- 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?
 - In addition to broadcasting notices through the usual channels, direct invitations to entities listed in 49 U.S.C. 25101(e) items (1)-(4) should be extended.
 - Item (5), “other stakeholders, as determined by the Secretary” must obviously include corridor travelers – the potential passengers on any new or improved service. Those who travel using other modes (automobile, bus, air) may, with some creativity, also be surveyed.

Questions about the Project Pipeline

- 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)?

- Of course, capital projects for which SDPs and engineering have been completed are the “low-hanging fruit” which can be implemented quickly. Since the actual cost of construction makes up the lion’s share of overall capital cost, the major part of the funds available for corridor development must be reserved for implementation rather than study.
 - However, the vastness of transportation projects, and the complexity of the regulations surrounding their development, require careful, lengthy, and expensive study. Practically no major project can reach the SDP stage without funding from the Federal Government. Thus, a significant portion of available funding must be reserved for projects to keep moving into “the pipeline”.
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?
- Under the limited definition of “pipeline” used in the legislation, (SDP to start of service), federal funding of projects being readied for implementation is critical, as discussed in answer to Question 7.
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)?
- U.S.C. 25101(g)(4)–(7) includes consideration of project sequencing, funding availability, readiness, and consultation with Amtrak. Additionally, U.S.C. 25101(d)(8) specifies required considerations to be included in each SDP: revenues, ridership, preliminary and ongoing capital investments to be required, operating costs, and funding sources. Also required in the SDP are the contribution of the project to regional networks of rail and intermodal transportation, environmental and congestion mitigation benefits, and improvements expected in overall energy consumption, land use, and economic development. These are all telling factors in prioritization of projects.

Questions about Readiness of Proposals for Selection into the Program

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)?
- Determining “commitment” can be a very tricky, and can easily lead to errors of judgment, accusations of favoritism, and lack of transparency in the awards process. It is essentially a process of “second-guessing”, and should be avoided.
 - Mention is sometimes made in this context of the 2009 HSR grants awarded to states of Ohio, Wisconsin, and Florida. These were turned down for ideological reasons by state governors who, at least in the case of Ohio and Wisconsin, took office *after* the awards

were made. Clearly, it would be desirable to avoid such situations. But without an accurate “crystal ball”, how could that be done? Could grant administrators legitimately say, “State X will be electing a new governor later this year, so we will not award a grant to them.” Clearly not! Even in a situation where one of the gubernatorial candidates has unambiguously stated opposition to the proposed corridor, it would be grossly unfair to refuse to approve a corridor solely on that basis. The result of such an awards policy would be to channel all the funding only to states with rock-solid political support – which are usually the states already receiving large amounts of transportation funding. Not only would this relegate states to “have” and “have not” zones, but it would destroy the connectivity which is essential to a public transportation system. Such meddling in politics is not the role of Executive Branch agencies.

Questions about Criteria for the Selection of Proposals

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 slight change in the emphasis of this question should be made. The success of a “corridor” as a stand-alone project should not be the primary focus. Rather, how the corridor contributes to the overall intermodal transportation network is critical, not only to itself but to the network as a whole. If a corridor is isolated from the national transportation network, it will never enjoy as great success or serve its communities as effectively as it would if well connected.
- The 14 criteria can best be considered by grouping into similar categories. They are listed here in 5 groups as follows, ranked from (generally) greater to lesser importance:
- *Depth of Integration and Previous Study*
 - (1) part of an intercity passenger rail study;
 - (8) included in a State’s approved State rail plan;
 - (10) connectivity with intermodal transportation;
 - (11) connects at least 2 of the 100 most populated metropolitan areas;
 - (13) integrated into the national rail system and would create benefits for other routes;

Benefits to Society, Environment, and Economy

- (3) environmental, congestion mitigation, and other public benefits;
- (5) positive economic and employment impacts;

Social Equity

- (12) regional equity and geographic diversity of rail service;
- (7) benefits to rural communities;
- (9) serves un(der)served areas of persistent poverty;

Technical System Success Factors

- (2) ridership, revenues, and funding requirements;
- (4) trip times and competitiveness;

Supplementary Support

- (14) whether a passenger rail operator has expressed support for the corridor;
- (6) non-Federal funding for operating and capital costs.

14. What other considerations may be appropriate in evaluating proposals for corridors to be developed under the Program?
- Beyond factors listed elsewhere in the statute, it should be borne in mind that the ultimate purpose of transportation is to facilitate social upward mobility, prosperity, and higher quality of life. The rapid development of the western United States was made possible almost entirely by railroads up through the mid-twentieth century. Passenger railroads are still one of the most effective ways of enhancing life for people in rural areas, people of color, people with disabilities, and many other demographic groups which fall outside the mainstream of America. The impact of corridor development on all these groups should be clearly weighted in decisions regarding prioritization.

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Questions about Selectivity of 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?
- If experience is any guide, we can assume there will be far more applications than can be funded by authorized and appropriated moneys. However, the number of projects that are actually ready for capital investment (and hence in need to the most robust funding) will be limited. Therefore, available funds should be divided into three general categories, and within these categories, projects should be given equal consideration for selection based on the principles discussed under Question 13.
 - Capital investment funds, the largest category;
 - SDP development funds, to bring projects into readiness for capital investment;
 - Preliminary investigation funds, for feasibility study, the NEPA or similar process, and other pre-planning to advance proposals to the SDP stage – including funds to revive projects whose studies may have been denied based on outdated policies.

Respectfully,

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