

News from the  
**National Association of  
Railroad Passengers**

Vol. 26 No. 1  January, 1992

RETURN REQUESTED

**John R. Martin, Pres.;** **Eugene Skoropowski, Vice Pres.;** **Robert Glover, Sec.;**  
**Joseph Horning, Jr., Treas.;** **Ross Capon, Exec. Dir.;** **Scott Leonard, Asst., Dir.;**  
**Jane Colgrove, Membership Dir.;** **Harriet Parcels, Transp. Assoc.**

News from the National Association of Railroad Passengers (ISSN 0739-3490), is published monthly except November by NARP, 900 Second Street, NE, Suite 308, Washington, DC 20002, (202) 408-8362. Membership dues are \$20/year (\$10.00 under 21 or over 65) of which \$5 is for a subscription to NARP News. Second-class postage paid at Washington, DC.

**Postmaster:** send address changes to National Association of Railroad Passengers, 900 Second Street, NE, Suite 308, Washington, DC 20002.

(This was finalized Jan. 27. Vol. 25 No. 11 was mailed Dec. 11.)

Second Class Postage Paid  
At Washington, D.C.

## House Public Works vs. House Energy & Commerce

# New Law Ups "Basic" Transit Funding; Transit Could Get More; RR's Defeat Bigger Trucks!; Crumbs for Amtrak

## *\$725 Mill. for Maglev Prototype; \$75 Mill. for Maglev and High Speed Rail*

*"The new law is a promise that will have to be redeemed in tough political combat, city by city and state by state. Air quality, oil needs, congestion and rational land use will all be determined by the outcome."*

*"While the new law is vastly better for rail transit and other options than anything that has come before, it has important weaknesses. It looks to the long-term possibility of magnetic levitation trains instead of to the near term reality of conventional high-speed rail. . . . The next logical step is to pool and abolish the separate highway and airport trust funds. They stand in the way of a transportation policy that targets public investment to whatever mode of travel best serves local and national needs. That will include a major role for rail. All Aboooaaard."*

—Jessica Mathews, *The Washington Post*,  
Op ed columns of Jan. 2 and Nov. 29, respectively

*The new law "places a fresh emphasis on the benefits of mass transit and ride-sharing. . . . We have already asked our member-transit systems to urgently re-examine their plans with the goal of putting available grant money to work now and advancing the timetable for planned purchases and projects."*

—Louis J. Gambaccini, Vice Chairman,  
American Public Transit Assn., in Dec. 18 news release

*"I don't really see a lot of diversion of highway money into transit."*

—Fred Hempel, manager,  
Federal Highway Admin.'s Columbus office,  
addressing Ohio Contractors Assn.'s annual meeting Dec. 19

The "Intermodal Surface Transportation Efficiency Act" (ISTEA or "ice tea"), Public Law 102-240, signed by Pres. Bush on Dec. 18 reauthorizes highway and transit funding for six years (FY '92-'97).

ISTEA does *not* allow states to spend federal gasoline tax money on all-Amtrak projects. Nevertheless, your work with legislators had an impact: much ISTEA money may not be used to expand highway capacity for single-occupant vehicles (SOVs). Also, ISTEA:

- authorizes funding for some projects important to Amtrak;
- helps rail freight by freezing the status of big trucks: states may not liberalize size, weight, route, or time-of-day restrictions beyond what was allowed June 1, 1991; and
- *could* mean big progress for transit: transit is eligible for much ISTEA road money, but all of it could still go to roads.

A prominent highway lobbyist underlined the importance of decisions yet to be made when he claimed National Highway System funding could range from \$15 billion to \$70 bill. Much depends on DOT's rulemakings and criteria and on state and local actions.

### **80% Almost Across the Board**

ISTEA sets 80% as the federal share for most transit and highway projects (50% remains the ceiling for transit operating assistance); 90% for Interstate work that does not increase capacity for SOVs. This helps "level the playing field" that until now was heavily stacked against transit.

### **Money for Transit**

ISTEA authorizes \$5.2 bill. for FY '93 (37% above this year's \$3.8 bill. appropriation), \$5.1 bill. a year for FY '94-96 and \$7.2 bill. for FY '97.) ISTEA's many specific transit and road project earmarks—the transit projects consume all Sec. 3 "new start" money—are structured to be outside the appropriations process, but it is unclear whether ISTEA's lists supercede lists in the appropriations reports.

Also, even as Pres. Bush shouted "jobs, jobs, jobs" as he signed ISTEA in Texas, his Office of Management and Budget—in drafting his FY '93 budget—reportedly was taking aim at most or all transit money from general funds, source of

40% of ISTEA's transit funding!

### ISTEA Money for Amtrak

Sen. Frank R. Lautenberg (D-NJ) fought hard as a conferee—supported by other Senate conferees—to retain Senate-passed eligibility of Amtrak for Surface Transportation Program (STP) money—ISTEA's "flexible" funds (see next section). But House Public Works & Transp. Chairman Robert A. Roe (D-NJ), reportedly with strong backing primarily from his Republican members, held fast against any general provision allowing highway trust funds to go to intercity passenger rail, which is under the jurisdiction of the House Energy & Commerce Committee. Energy & Commerce Chairman John D. Dingell (D-MI) supported Lautenberg's position.

- Lautenberg salvaged this in the conference report discussion of the STP: "In certain instances, passenger rail operations provide significant mass transit services. The conferees do not intend to preclude consideration of passenger rail capital costs where those operations provide significant commuter service on a regular basis." Amtrak intends to promote this aggressively, but the absence of any companion language in the law itself may be a problem.

- Thanks to Sen. Paul Simon (D-IL) and Rep. George E. Sangmeister (D-IL), Sec. 1010 directs the Secretary to reserve \$5 mill. a year in highway trust funds "for elimination of hazards of railway-highway crossings in not to exceed 5 railway corridors" he selects in accordance with criteria he "may establish by regulation. Such a corridor must include rail lines where railroad speeds of 90 mph are occurring or are expected to occur in the future and where substantial rail passenger service is provided."

In other words, Amtrak-related needs should guide the expenditure of some highway trust funds! We hear this section touched off extraordinarily intense competition among states with candidate corridors.

- Sec. 1007 (STP's 10% for safety) continues the old grade crossing program in each state at not less than the FY '91 level, for which the nationwide total was \$160 mill.

- ISTEA authorizes \$55 mill. to repair and paint Amtrak's Hell Gate Bridge in New York City. *Repairs*—which Amtrak estimates at \$13 mill.—are essential. "For the last 20 years, chunks of concrete, steel and other debris from the viaduct have regularly cascaded into the homes of Astoria residents living below" (*New York Times*, Nov. 30). *Painting* will cost \$42 mill., including blasting the old paint off and building a netting so nothing will fall into the river or the community.

- Amtrak may have a shot at "Congestion Mitigation and Air Quality Improvement Program" funds (see page three.)

ISTEA authorizes funding for these items, with states required to provide at least 20% of the authorized amounts:

- \$30 mill.—capital costs of Boston-Portland, ME "commuter rail service";

- \$24.3 mill.—relocate tracks in Lafayette, IN, speeding up Amtrak's Chicago-Indianapolis service, ending street running, and giving passengers a waiting room in the relocated Big Four station in place of the present street corner;

- minimum total of \$20 mill.—Los Angeles-San Diego capital improvements (the Secretary to sign a multiyear grant agreement by Apr. 30);

- \$13.4 mill.—Ft. Worth intermodal center at the old Texas & Pacific station; Amtrak would leave the old Santa Fe station;

- \$5.9 mill.—"construct a multi-modal transp. facility in St. Louis" near S. Jefferson and Scott Aves. just west of downtown, for Amtrak, light rail and local and intercity buses, replacing Amtrak's disastrous 13-year-old "temporary" station;

---

### ISTEA'S RAIL TRANSIT PROJECTS

ISTEA authorizes an even bigger list of transit projects than most previous transit bills, including: \$695 mill.—Los Angeles's 11.6-mile third segment; \$668.5 mill.—extend BART to the San Francisco airport and build Tasman Corridor light rail (LRT) (Santa Clara County); \$634 mill.—"New Jersey Urban Core Project" includes rail link between Amtrak's Newark station and NJT's Broad St. Sta. (Newark); \$618 mill.—Honolulu rapid transit; \$515 mill.—Portland, OR, west-side LRT; \$500 mill.—Houston "fixed guideway" (monorail); \$329 mill.—Atlanta's MARTA north line; \$306 mill.—New York City Queens Local/Express Connection; \$300 mill.—Puget Sound Rapid Transit (Seattle); \$278 mill.—S. Boston Piers Transitway; \$260 mill.—Chicago's "Central Area Circulator Project"; \$200 mill.—Milwaukee LRT; \$160 mill.—Dallas LRT; \$160 mill.—commuter rail to Frederick and Waldorf, MD; \$131 mill.—Salt Lake City LRT; \$71.2 mill.—Jacksonville Automated Skyway Extension; \$60 mill.—Baltimore LRT; \$47 mill.—commuter rail from Hawthorne, NJ, to Warwick, NY; \$26 mill.—Sacramento LRT; \$25 mill.—Seattle-Tacoma commuter rail; \$21 mill.—extend commuter rail about 48 miles from San Jose to Gilroy and Hollister.

Smaller amounts would fund studies of these LRT projects: Charlotte; Cleveland (extension and dual hub project); Detroit; Kansas City; Long Beach (Metro Link); New Orleans—Canal St.; Pittsburgh ("Stage II rehab."); San Diego mid-coast; Chattanooga/Orlando downtown trolleys. Commuter rail studies: Atlanta; Cleveland; Dallas-Ft. Worth; New Jersey ("Lakewood-Freehold-Matawan or Jamesburg"); Northeast Phila. Other rail studies: Phila. cross-county (Pennsy's old "Trenton cutoff," Morrisville-King of Prussia-Thorn-dale); Northeast Phila.; link Washington, DC, Metrorail to Dulles Airport (northern Virginia) and to Largo, MD.

- \$4 mill.—build two track connections in Columbia, SC, to get Norfolk Southern's Charlotte freights out of downtown (the north—"Fairwold"—connection would let Amtrak run Charlotte-Columbia-Savannah without backups should Amtrak ever want to do that, but neither connection would be needed if NS implements tentative plans to reroute Charlotte trains via Carlisle—seven miles longer—and abandon its direct Columbia-Chester line);

- \$2.4 mill.—"study of 5-Points Intermodal Terminal-Atlanta" (*NARP News*, Aug.); and

- \$2 mill.—"historic renovation and development of an intermodal center at the Kingston," RI, station badly damaged by fire in Dec. '88; includes commuter park-and-ride facilities (no state commitment to commuter trains yet); repairs to and possible relocation of station back from the 150-mph-to-be railroad. (The state expects Amtrak's previously-committed \$150,000 to be the local match.)

### Money for Roads or . . . Transit?

Besides the \$31.5 bill. earmarked for transit, transit could wind up with shares of each of the major road categories:

- Surface Transportation Program—\$23.9 bill.;
- National Highway System (NHS)—\$21 bill.;
- Interstate Maintenance Program (I-M)—\$17 bill.;
- Bridge—\$16.1 bill.;
- Interstate Completion—\$8.16 bill. (\$2.55 or 31% earmarked for Mass.); and



Late this year, Amtrak will test a Swedish X-2000 tilt train (modified to meet FRA safety requirements). When the consist runs outside electrified territory, an Amtrak turbine will replace the sleek X-2000 power unit. At a Nov. 21 news conference, Amtrak Pres. W. Graham Claytor Jr. said electrification and tilt technology together could produce 3-hour Boston-New York running times; tilt could even reduce New York-Washington times "to some extent."

● Congestion Management/Air Quality (CM/AQ)—\$6 bill.

**STP:** 50% goes to urban areas (pop. over 200,000) and other areas of the state "in proportion to their relative share of the state's population" (see "Know Your Local Officials"); 30% may be used anywhere in the state; 10% is for safety; and 10% is for "enhancements," including (partial list): pedestrian and bicycle facilities; "rehabilitation and operation of historic transp. buildings, structures or facilities (including historic railroad facilities and canals);" and "preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails)."

In general, STP funds can be used for roads and for (partial list): transit capital costs (maybe Amtrak—see first "Money for Amtrak" bullet above) and for "publicly owned intracity or intercity bus terminals and facilities"; enhancements (see above); "highway and transit safety improvements and programs, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings;" and "highway and transit research and development and technology transfer programs."

**NHS** will be a 155,000-mile (plus-or-minus 15%) road network including the Interstate system and other major roads. DOT is to submit a plan based on a map Federal Highway Admin. showed to legislators last year.

If transit is the most cost-effective way to increase capacity in an NHS corridor and can be shown to improve highway flow, NHS money can be spent directly on transit. (Ditto on a non-NHS road in the same corridor.) Also, NHS money can be spent directly on bicycle, pedestrian, fringe parking, and carpool/vanpool projects on NHS routes.

Finally, a state can shift half its NHS money to the STP; up to 100% can be shifted if DOT approves and after a public comment period.

**I-M:** States certifying their Interstates are adequately maintained can shift unused I-M funds to NHS and STP. (DOT must write criteria on how to judge adequate maintenance.)

**Bridges:** Up to 40% of this money can be transferred to NHS and STP.

**Interstate Completion** funds are for a defined list of unbuilt Interstate highway segments. ISTEA inadvertently limited the


**Our thanks to NARP Region 12 and Train Riders' Assn. of California, each of which gave NARP \$1,000.**

federal share on these to 80% where new capacity is given to single-occupant vehicles (SOVs). A "technical corrections" bill is expected to put this back to 90%.

ISTEA includes a "congestion pilot pricing program" which, if implemented with high enough fees by states and local governments, could help transit.

**Other Anti-SOV Restrictions**

I-M and CM/AQ funds may not be used to increase highway capacity for single-occupant vehicles.

In areas violating federal ozone or carbon monoxide standards, "Federal funds may not be used for any highway project that will significantly increase the carrying capacity for SOV's unless the project is part of or consistent with the approved congestion management system." This could be a big loophole! See "Know Your Local Officials." 

**KNOW YOUR LOCAL OFFICIALS!**

ISTEA gives metropolitan planning organizations (MPOs)—which must be designated in each urban area over 50,000 population—much more power over what transportation projects get built. MPOs consist of local public—usually elected—officials from around an urban area.

Except for continued state control over NHS projects, local and state officials now have mutual veto power over urban-area projects, setting the stage for some interesting power struggles. The urban-area planning process must consider "energy conservation goals . . . methods to reduce and prevent traffic congestion . . . social, economic and environmental effects."

Under ISTEA:

● The MPO develops a long-range transportation plan which, in areas violating federal air quality standards, must be coordinated with development of the State Implementation Plan that is required by the Clean Air Act.

● The MPO develops a transportation improvement program (TIP)—list of projects consistent with the long-range plan—"in cooperation" with the State and relevant transit operators.

There must be public review and comment periods before adoption of long-range plans and TIPs. (Similar rules govern statewide planning.)

In areas over 200,000 population, projects are selected by the MPO "in consultation" with the state, except for NHS, Bridge, or Interstate Maintenance projects, which are selected by the state "in cooperation" with the MPO.

In areas over 50,000/under 200,000 population, projects are selected by the State "in cooperation" with the MPO from the approved TIP.

To get on the TIP, a project must include a financing plan.

The over-200,000 areas "must develop a transportation management system that provides for effective management of new and existing transportation facilities through travel demand and operational management strategies."

Attention, lawyers! A court may be the first to define "consultation" and "cooperation."

### Money for Maglev

ISTEA authorizes \$725 mill. for a "National Magnetic Levitation Prototype Development Program"—\$500 mill. from the Highway Trust Fund highway (not transit) account; \$225 mill. from general funds. A rigid schedule anticipates *operational testing* of a line at least 19 miles long, with at least one switch, and capable of operating along Federal-aid highway rights-of-way, by June, 1999 unless the two managers "determine jointly not to select a design for development."

The Secretary and the Asst. Sec. of the Army for Civil Works would jointly manage the program and could terminate it under certain conditions. ISTEA leverages additional money by requiring non-Federal shares of 10%, 20%, and 25%, respectively, for the project's three phases (the third phase is building the prototype).

In addition to the above \$725 mill., ISTEA has \$97.5 mill. for "land & right-of-way acquisition & guideway construction" for the long-planned maglev linking Orlando Airport with the general vicinity of Disney World. Amtrak, incidentally, has an informal agreement with the developer to operate this line.

### Money for Maglev and High-Speed Rail

ISTEA authorizes \$75 mill. for maglev and high speed rail: a National High-Speed Ground Transportation (NHSGT) Technology Demonstration Program gets \$25 mill. each from the Highway Trust Fund's highway account and from general funds; NHSGT research and development gets \$25 mill. from general funds.

Unfortunately, ISTEA declares Amtrak ("any business owned in whole or in part by the Federal Government") *ineligible* to receive demonstration contracts and grants the Secretary may award in this regard "to measure and evaluate such factors as the public response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service."

The Secretary, in consultation with heads of other agencies, "shall lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster the implementation of magnetic levitation and high-speed steel wheel on rail transp. systems as alternatives to existing transp. systems."

By June 1, 1995, the Secretary must submit "a study of the feasibility of constructing one or more high-speed ground transportation systems in the U.S." From the exhaustive list of what must be considered: "an examination of the role . . .

#### Boston Rail Link

● Thanks to Sen. George Mitchell (D-ME), ISTEA includes \$250,000 for "a feasibility study of a proposed rail link between North Station and South Station in Boston."

Report language says the study should include "an engineering and financial analysis, taking into consideration a regional commuter railroad service, Massachusetts intercity service and Amtrak interstate service . . . [and] recommendations for possible federal assistance" and makes FTA (formerly UMTA) "responsible for the overall study," coordinating "as necessary" with Federal Railroad Admin., Amtrak, private freight lines and regional transp. authorities.

NARP is pressing for an independent and credible study.

● A federal judge refused the state's motion to consolidate NARP's lawsuit (Dec. News) with that of Conservation Law Foundation (Oct.-Nov. News).

and the potential role . . . of Amtrak in the development and operation of high-speed ground systems."

### UMTA is Now FTA

ISTEA changes the Urban Mass Transportation Administration's name to "Federal Transit Administration," clarifying that rural transit is an important part of the agency's responsibilities. (FTA people call the agency "Eff-Tee-Ay.")

### Money for Intercity Buses, Rural Transit

Each state must spend 15% (except 5% this year, 10% in FY '93) of its enlarged rural transit (Sec. 18) fund on intercity bus service unless the governor that year certifies the state's "intercity bus service needs are being adequately met."

### Highway Rights-of-Way for Trains

"Where sufficient land or air space exists within the publicly acquired rights-of-way of any highway" built partly with federal funds, states may allow—for free if they like—use of the right-of-way by intercity passenger, commuter, high speed rail, or maglev trains.

### Systems, Studies, Offices

In Jan. '93 and every two years thereafter, the General Accounting Office (of Congress) must submit reports (a) evaluating "the extent to which current transit needs are adequately addressed and an estimate of future transit needs" and (b) a study on the effects of shifting transit funds to roads (a provision expected to get very little use).

By 1995, each state must fully develop six management systems—transit, intermodal, congestion, safety, pavement, and bridge.

An Office of Intermodalism must be established within the Office of the Secretary to maintain and disseminate data and coordinate research. The Secretary is authorized to grant \$3 mill. to states to develop model intermodal transp. plans.

ISTEA creates:

- an 11-member "National Commission on Intermodal Transportation," final report due Sep. 30, 1993;
- a seven-member "Commission to Promote Investment in America's Infrastructure," report due in mid-June; and
- a seven-member "National Council on Surface Transportation Research."

Each of the above three groups will include appointees of Pres. Bush, Sens. Mitchell and Dole and Reps. Foley and Michel.

Each state dept. of transportation must have a bicycle and pedestrian coordinator.

ISTEA authorizes \$2 mill. for an "infrastructure awareness program" and the Secretary is to "fund the production of a documentary on the state of Nation's infrastructure with a not-for-profit national public television station."

*(For the 484-page conference report book—in which the law alone takes 298 pages!—send \$14 to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325, requesting House Report 102-404, which is Stock No. 052-071-00-942-6 or call 202/512-2471 with Master or VISA card handy. For a tiny-print version without some minor corrections but with relevant floor statements of some House members, see Part IV of the Nov. 26 Congressional Record, pp. H 11507-11678. These tomes may be easier to use with our 6-page summary including bill section numbers, available from NARP for \$3.)* ■

### ORDERING SUPERTRAINS?

**Total price for Supertrains is now \$38 if ordered as we suggested (Nov. News). To save money, try Lambert Enterprises, 800/262-2776; they charge \$27.50 (plus \$3.95 shipping).**