



PASSENGERS Voice

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APPEALS COURT: YES, TEXAS CENTRAL IS A RAILROAD

A four-year court battle in Texas ended May 7 with a state appeals court ruling that Texas Central Railway is legitimately both a railroad and an interurban electric railway.

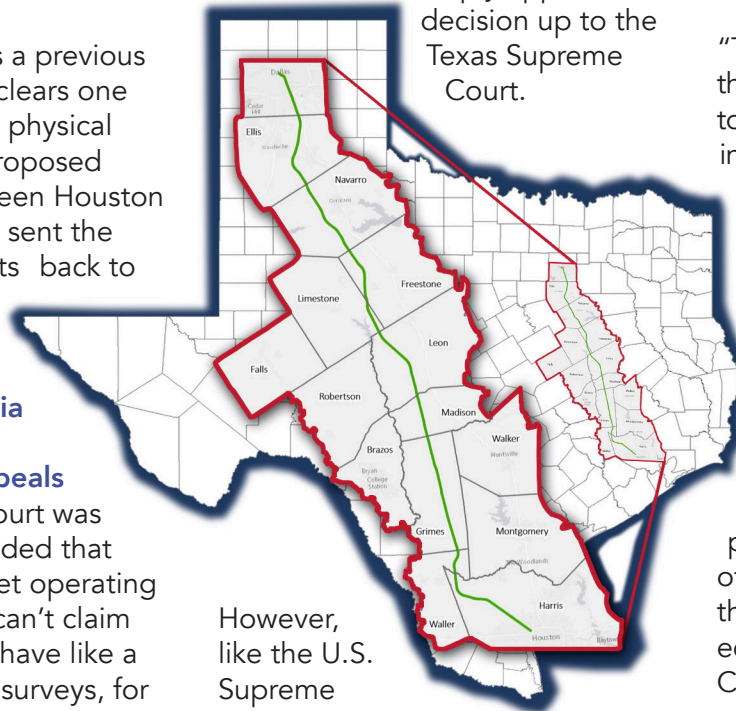
The decision reverses a previous trial court ruling and clears one more hurdle to begin physical construction of the proposed high-speed link between Houston and Dallas. The court sent the question of court costs back to the trial court for review.

Justice Nora Longoria of Texas' Thirteenth District Court of Appeals wrote that the trial court was wrong when it concluded that because TCR is not yet operating trains and stations it can't claim to be a railroad or behave like a railroad – doing land surveys, for example, or claiming the potential to exercise eminent domain.

“Considering the legislature’s instruction to view present tense as including future tense in the statute and the actions taken by appellants to begin to operate a railroad, we conclude that TCRI [Texas Central Railroad & Infrastructure, Inc.] and ITL [Integrated Texas Logistics, Inc.] are railroad companies,” Justice

Longoria said in a 20-page judgment.

Miles can ask the Appeals court to reconsider, or he could simply appeal the decision up to the Texas Supreme Court.



However, like the U.S. Supreme Court, the Texas Supreme Court is not obligated to hear any particular case and could choose not to hear Miles’ appeal.

The case began when Texas Central asked landowner James Miles for permission to survey his land as part of the potential build-out of the railroad. Miles objected and challenged whether Texas Central could even ask to do the survey if it wasn’t yet operating like

an actual railroad. His suit in Texas state court also challenged whether Texas Central could be considered an interurban electric railway under the Texas statutes, a claim the Appeals Court also rejected.

“To the extent that Miles contends that this statute does not extend to high-speed rails, but rather was intended for ‘localized, electronic trolley-car companies of a century ago,’ we find nothing in the statute to confirm this assertion,” Justice Longoria wrote.

“This decision is rooted in state law that allows survey access and use of eminent domain by railroads, pipelines, electrical lines and other industries that provide for the public good and a strong economy,” said Texas Central CEO Carlos Aguilar, **quoted**

TEXAS, p. 2

“As younger advocates find their role within the association it is imperative that we remain mindful of our history and the work of those that came before us.”

Madi Butler,
Grassroots Organizer



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TEXAS, from p. 1

on the website of Texas Rail Advocates. "This decision confirms our status as an operating railroad and allows us to continue moving forward with our permitting process and all of our other design, engineering and land acquisition efforts."

The question of eminent domain power is always emotional, and especially so in Texas.

The Appeals Court even acknowledged this in its May 7 ruling. But **Texas Central has declared repeatedly** that while it has the ability to use eminent domain – just like other utilities – it will use that power sparingly and only as a last

resort. In fact, Texas Central publicly committed to **a detailed landowner bill of rights for potentially affected landowners** that goes beyond the existing Texas landowners' bill of rights.

Among the protections Texas Central outlines are a commitment to acquiring the bare minimum of land required for the right of way, payment at or above market rates and putting landowners first in line to get their properties back if the rail project fails to materialize. These are strong protections and Texas Central is doing their best to move the project forward while being fair to everyone involved.

LEAVE A LEGACY

Please consider the Rail Passengers Association in your will. If you have already included us in your estate plans, let Jonsie Stone know at jstone@narprail.org or 202.408.8362 Ext. 3207. We'd like to thank you for your generosity and make sure the purpose of your gift is understood.



MATHEWS TESTIFIES IN SUPPORT OF TEXAS CENTRAL TECHNICAL SAFETY RULES

In a Federal Railroad Administration proceeding May 5, Rail Passengers President and CEO Jim Mathews strongly supported the agency's **proposed technical safety requirements** to govern how Texas Central operates its high-speed service in the U.S.

"I'm testifying today to share Rail Passengers' strong belief that Texas Central's proposed operation clearly qualifies for an FRA exemption under 49 USC 20306, that the technical requirements as published in the [Notice of Public Rulemaking] are more than sufficient, and that altering any of the standards as proposed could

substantially limit benefits accruing to the traveling public," Mathews said during a public hearing about the new rules.

Mathews' testimony was meant to bolster **Rail Passengers' formal written comments to the rulemaking docket** about the FRA's Texas Central Railroad High-Speed Rail Safety Standards, which would regulate Texas Central separately from conventional American railroads because the plan to replicate and operate Japan's Shinkansen bullet train between Houston and Dallas is radically different from the way U.S. railroads now do business. The driving force is the desire to

import from Japan not just the equipment or the signaling or even the business model but the entire operation and its culture. FRA itself noted that there are "standards and practices unique to [Shinkansen's] operations that are inherent to the safe operation of this proposed service in Texas, which must be maintained and protected in order to ensure that the safety record of the Tokaido Shinkansen can be effectively transferred."

That safety record is jaw-dropping: unlike any system anywhere else in the world and particularly in the United States,

MATHEWS, p. 7

VIEW FROM THE HILL:

U.S. HOUSE UNVEILS \$3 TRILLION CORONAVIRUS RELIEF BILL WITH \$16 BILLION FOR TRANSIT, NOTHING FOR AMTRAK

House Democrats' unveiled a \$3 trillion coronavirus response that would, among other things, send \$1 trillion to state and local governments and provide \$15.75 billion for struggling transit agencies.

That amount is well short of the \$23.8 billion identified by the American Public Transit Association (APTA) and fails to include any of the \$1.63 billion that Amtrak has said it will need to supplement its FY2021 federal grant. Senate Republicans were swift to declare the HEROES Act (H.R. 6800), which would be the fourth in a series of COVID-19 emergency funding bills, "dead on arrival."

Amtrak is asking for \$1.633 billion on the top of the original \$2.04 billion FY2021 grant request that was transmitted earlier this year, which includes:

- \$1.145 billion for the NEC and National Network
- \$260 million for Sec. 209 State Partners
- \$229 million Sec. 212 Commuter Partners

Rail Passengers has launched a campaign to ask the House to provide the necessary funding for passenger rail to return pre-COVID 19 levels of service and boosts the funding for transit to the levels identified by APTA in a survey of agencies ridership and revenue shortfalls. Go to RailPassengers.org/Action to take part!

"We appreciate the \$16 billion that the House has proposed for transit," said Rail Passengers President Jim Mathews.

"However, we are asking Congress to provide more funding for transit and Amtrak—for the simple fact that it's what these operators will need to weather these extraordinary hardships. It doesn't make sense to pass a \$3 trillion relief bill, but then balk at the \$1.6 billion price tag to ensure the return of fully functioning intercity and commuter railroads in the U.S."

INFRASTRUCTURE A NO-SHOW

While there had been big talk from both House leadership and the White House about the desire to include an infrastructure component in the next round of COVID-19.

However, that was sidelined in the House Democratic proposal. Instead, the HEROES Act focuses on addressing the dramatic increase in unemployed Americans and the budgetary needs of states and local governments, who have seen a sharp dropoff in tax revenue.

Rail Passengers has been collecting a database of passenger rail projects that could advance relatively quickly if funding became available (located at RailPassengers.org/COVID19). We will continue to advocate for these projects in the Senate, and in the event that the House advances an ambitious surface transportation program, which is rumored to be close.

The HEROES Act does have a number of transportation-specific set-asides and policies.

TRANSIT

- \$15.75 billion for operating and capital assistance grants to support transit agencies:
- \$11.75 billion will be distributed by formula to 14 large metropolitan transit systems; and
- \$4 billion for Emergency Relief grants, to be distributed through a grant program overseen by the USDOT.
- Standardizes worker and passenger protections for large transit agencies in urbanized areas with at least 500,000 individuals, requiring passengers and workers to wear masks, and standardizing requirements for disinfection of equipment and facilities.

HIGHWAYS

- Standardizes worker and passenger protections for large transit agencies in urbanized areas with at least 500,000 individuals, requiring passengers and workers to wear masks, and standardizing requirements for disinfection of equipment and facilities.
- \$15 billion for grants to State, Tribal, and Territorial Departments of Transportation

A LOOK BACK

By Madi Butler

In the internet age, archival materials have become more accessible than ever. As younger advocates find their role within the association it is imperative that we remain mindful of our history and the work of those that came before us. With our travels currently suspended, this seemed a great time to dive into the archives and highlight some of the historic happenings in the month of June. These were a few of the gems our team found while exploring the archives:

June of 1974 brought big changes for Red Cap service as well as a team feature in Amtrak News. This summer marked a push for expedited service across major lines including San Francisco Zephyr, Empire Builder, Southwest Limited.

A great day for photographers and rail fans, June 11, 1983 heralded the arrival of the finished Amfleet II. Coming in at a grand total of \$150 million, this was the last round of

intercity cars produced by Budd for Amtrak. The arrival of the second fleet with fresh interiors, modern folding leg rests, more room to stretch, and larger windows was welcomed by all. Over the lifetime of an Amfleet II vehicle, it is expected to have traversed over 5,640,000 passenger miles on average.

As we recap our history we must also evaluate where future wins may reside ... the experiences, outcomes, and conditions of previous advocacy projects.

In 1999 the Empire Builder celebrated its 70th anniversary with commemorative pins and festivities on board. The first route to feature superliner service, the Empire Builder was first run in 1929 on June 11th. Amtrak continued service after 1971 under the Great Northern namesake. With forty six stops spanning eight states and crossing over 2200 miles, the legacy of this route carries a presence and we are glad to

still be on course with this long-distance train and our continued advocacy for both the Empire and Baby Builder.

In 2016, the Association kicked off the Summer by Rail internship! Featuring a different focus each year, this program helps boost rail travel visibility while providing young advocates an experience of a lifetime.

As we recap our history we must also evaluate where future wins may reside, the context, experiences, outcomes, and conditions of previous advocacy projects.

While we celebrate these moments in history, we must also make sure to take time to consider all the people who contribute. When our advocates win, what those wins lead to should be reflected in our pursuit of continued advocacy, especially in a time like this. If you would like to contribute to next month's look back, please reach out (mbutler@narrail.org)

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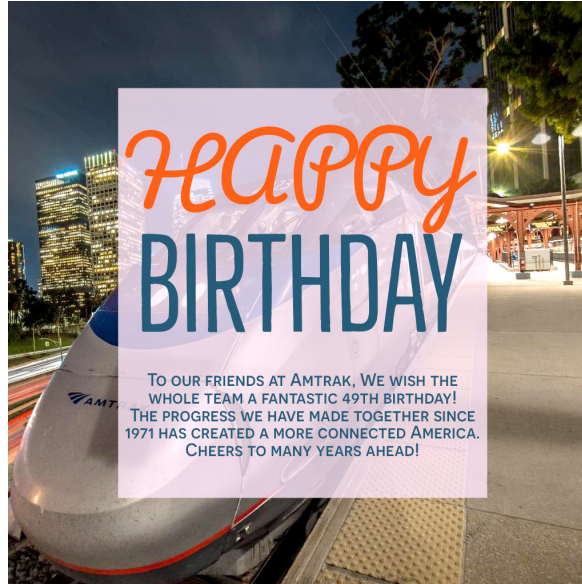


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BIRTHDAY REFLECTIONS

By Carolyn Cokley

On May 1, Amtrak turned 49 years young. Founded as a quasi-public corporation Amtrak consolidated the services of more than a dozen railroads into a true national system back in 1971 running 184 trains across the country. For almost five decades, Amtrak has supplied an ongoing means for a civilized, reasonably priced mode of transportation for millions of passengers traveling from point A to point B.



create both personal and professional memories riding the rails. Amtrak has carried me to and from college, home to family reunions and funerals, to annual professional meetings, to Amtrak and Rail Passengers events throughout the country and I can say that I have learned something new from every ride that I have taken. I always look forward to photographing the views, encountering fellow passengers, some of whom I have remained in touch with and have listened to and

Amtrak has faced 49 years of both internal and external challenges. It has also used questionable judgement that has given us all pause, but we remain devoted. We scream, we yell, we challenge, we advocate and then we plan our next trip.

In 49 years, Amtrak has faced fourteen presidents (two interim), numerous Congressional revisions to the Rail Passengers Service Act (RPSA), seventy accidents and incidents, aging

tunnels, bridges and track, equipment failures, labor issues, operating on continuing resolutions, three logos and numerous paint scheme variants, National Train Day (started and stopped), Amtrak Reform and Accountability Act of 1997 (ARAA), implementation of Positive Train Control, traditional vs contemporary dining. Through it all, Amtrak has survived.

Over the past near five decades I have had the opportunity to

shared their stories on why they are traveling. I have ridden in first-class and coach, eaten in the dining car, both traditional and contemporary menus as well as snacked in the lounge car and have long admired and appreciated the excellent customer service provided by dedicated onboard employees.

Amtrak has survived and along with the good and bad of it, we still love it. So, happy birthday Amtrak. I look forward to celebrating your 50th. I also look forward to planning my next trip.

VIEW, from p. 5

AMTRAK

- Directs Amtrak to require passengers and employees to wear masks or protective face coverings while onboard an Amtrak train.
- Amtrak must also provide masks or protective face coverings, gloves, hand sanitizer, and wipes to all employees whose job responsibilities include passenger interaction.
- Directs Amtrak to ensure that trains, stations, and enclosed facilities are frequently cleaned and disinfected, and that employees who do

this work are provided masks or protective face coverings and gloves.

RAIL WORKERS

Protects the Railroad Unemployment Insurance Account from sequestration cuts and extends the additional enhanced benefits, ensuring unemployed railroad workers are granted the same benefits provided to other out-of-work Americans.

FAA

\$75 million for additional janitorial services at air traffic control towers and other FAA facilities.

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If you're reading the Passengers Voice and are a current member, **THANK YOU** for your support. Rail Passengers invites you to share our membership information with your family, friends, colleagues, etc.

If you're reading the Passengers Voice and are NOT a current member, we invite you to join.

Visit railpassengers.org/all-aboard/join or call 202-408-6382 to join!

#RAIL PASSENGERS TRAVEL REVIEW

Feedback on your recent Amtrak travel experience is very important to us! Please take a moment and tell us the good & the

bad of your journey.

Share your thoughts at railpassengers.org/travelreview or scan the QR code from your mobile device.



Remember, the progression of the data we collect depends upon the feedback

you provide as well as your outreach to other rail passengers. Please help us to keep this going. If you have any constructive feedback or suggestion, please send an email to TravelReview@narprail.org.

RAIL PASSENGERS MEMBERS SHARE THOUGHTS, POLL RESULTS

QUESTION...

WHICH IS YOUR FAVORITE AMERICAN TRAIN SONG?



A. Yes - Midnight Train to Georgia (Gladys Knight and the Pips)

B. No - City of New Orleans (Arlo Guthrie)

Click here to submit your answer to this poll on social media at <https://www.facebook.com/narprail>, or send in your response via email to: survey@narprail.org.

Each month we conduct polls on social media and in our newsletters to spark conversation and provide another outlet for you to share your thoughts on rail.

On our Facebook page in May, we asked **"Have you planned out your first post-virus trip?"**

Not surprisingly, **70%**, of people responding said that they are still taking a "wait & see" approach with the remaining 30% saying that their bags were already packed.

Poll comments included:

Yelitza Pico said "I'm going to wait and see and make sure that it's safe. As much as I like traveling, I'm not taking any chances" while **Jay Timmerman** stated that he already has his plans for a Wisconsin to Florida trip.

MEMBER SPOTLIGHT

Name: Alexander Ivanoff

Where are you located? Elmira, New York

When did you become a member? I joined Rail Passengers in 2011

What does RPA mean to you?: RPA/(NARP) means the world to me. It is more than just an organization,

but an extension of my family. It is also my future: I envision a more connected America less dependent on commercial aviation and the personal automobile. As a bus driver during this current pandemic, I know just how valuable public transportation is to the community.

The "**Member Spotlight**" is a new monthly section where we highlight the Association's most important asset: YOU. To be considered, email Kim Williams at kwilliams@narprail.org.

EVENTS CANCELLATION/POSTPONEMENTS DUE TO CORONAVIRUS (COVID-19)

Upcoming Events | go to railpassengers.org/events for more information

Due to the current situation with the **COVID-19 outbreak**, many meetings around the country are being postponed and rescheduled for later dates. Please check our events page for updates and information.

Please contact Joe Aiello (jaiello@narprail.org) to have a local, state or regional meeting added to the Rail Passengers calendar (print and online) of upcoming events!

MATHEWS, from p. 2

not a single passenger or crew member has ever been killed on the Shinkansen service in 56 years of operation, despite ridership approaching half a million passengers each day traveling to 17 stations between Tokyo and Osaka.

And it's not just the safety record that's enviable. The Tokaido Shinkansen measures on time performance not in hours but in seconds. The average delay per train for an entire year comes to less than 30 seconds, for a system running 368 trips per day and which has carried more than 6 billion passengers in the five decades since it opened.

Mathews reiterated in his testimony that "the only way to have any hope of replicating that extraordinary safety record and on time performance is to adopt not just the rolling stock or the construction techniques or the track geometry or the crew training paradigm, but the entire operating philosophy. Implementing a standalone high-speed rail system allows Texas Central to replicate the safety culture of the Japanese

Shinkansen operations that have resulted in an unparalleled safety record."

Mathews also noted that the multi-year process that led to publishing the proposed rules did not take place in a vacuum, but included passenger-centric feedback.

"We are voting members of the FRA's Rail Safety Advisory Committee and Passenger Safety Working Group, and we represented the fare-paying public as these proposed standards were developed using RSAC's consensus process," Mathews testified. "We stand by that consensus: FRA is taking the correct and prudent course in regulating this transformative and privately funded venture as a single, standalone entity. We support FRA's regulatory efforts to implement high-speed rail, and we continue to support a Tier IV system within the RSAC."

Tier IV systems would cover rolling stock, equipment and processes designed specifically for

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MEMBERSHIP NEWS AND NOTICES

- **Effective May 1, 2020:** Our bonus Amtrak Guest Rewards points benefit for dues payments will temporarily be suspended. Your current points will be unaffected. We know this is a popular benefit, but we have to purchase those points, so it's not a benefit we can responsibly continue to provide while revenues are down. (As a reminder, we do not manage the Amtrak Guest Rewards program.)
- **Effective May 1, 2020:** Production and mailing of the printed version of the Passengers Voice newsletter will temporarily cease. The Passengers Voice will still be available at www.railpassengers.org and as a downloadable PDF. For those of you who have paid extra to receive a mailed copy of the newsletter, we will extend your subscription by the number of months we are interrupted.
- While the Rail Passengers staff is working remotely, we are unable to print permanent membership cards, dues/donation acknowledgment letters, or membership/benefits information. Luckily, you can find information about your Rail Passengers membership by visiting www.railpassengers.org and selecting "My Account" to log in or create an account with us.
- **For those who mail in donation/dues payments:** We've had several instances over the last few weeks of receiving sealed, empty envelopes, so be sure to check your payment! We also ask that you fully complete the form attached at the bottom of our letters, as information on the form helps us allocate your contribution. Renewal letters will always include "RENEW" in the form and in the letter. Finally, if you respond to one of our membership renewals or direct mail appeals, you can save us money on postage if you apply your own stamp to the reply envelope. Every little bit helps!



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