



NORTHEAST CORRIDOR COMMISSION

840 First Street NE, Suite 440
Washington, DC 20002
(202) 847-0280
www.nec-commission.com

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Rebecca Reyes-Alicea
Northeast Corridor Joint Program Advisor
U.S. Department of Transportation
Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004

Re: Draft Environmental Impact Statement for the Northeast Corridor

The Northeast Corridor Commission (“the Commission”) with its U.S. Department of Transportation (“USDOT”) members abstaining, is pleased to submit comments for the administrative record regarding the Federal Railroad Administration’s (“FRA”) Draft Environmental Impact Statement (“DEIS”) for the Northeast Corridor (“NEC” or “the Corridor”). See 80 Fed. Reg. 70206 (November 13, 2015). This effort is part of NEC FUTURE, a comprehensive planning effort to define, evaluate, and prioritize future investments in the NEC.

The Commission’s top priorities for the Corridor’s future are:

- Maintaining safe and reliable rail transportation at 2016 service levels;
- Achieving a state-of-good-repair; and
- Investing to improve reliability, performance, connectivity, and capacity to deliver improved intercity, commuter, and freight services.

The NEC is composed of publicly owned infrastructure and facilities that require extensive repair and modernization. The Corridor, used by nine passenger rail operators and four freight railroads, faces a state-of-good-repair backlog in excess of \$20 billion. These needs cannot be met without substantial action and investment by the federal government. The Corridor is already an integral part of the transportation network and the economy, where a service loss would have an estimated \$100 million per day economic impact. Protecting and improving the safety and reliability of its services is paramount.

About the Commission

The Commission was authorized by the U.S. Congress and codified at 49 U.S.C. § 24905 to create a new forum for collaborative planning and decision-making. The Commission is composed of one member from each of the NEC states (Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland) and the District of Columbia; four members from Amtrak; and five members from the USDOT.

The Commission provides coordinated regional leadership to develop strategies to stabilize the NEC and establish a foundation for future growth. The Commission has statutory requirements to annually produce a five-year capital plan for the Corridor; report on capital program delivery and train operations and performance; and develop and administer an operating and capital cost-sharing policy. In addition, the Commission conducts research and studies covering economic analysis, travel demand, and other topics that may help guide investment decisions.

In September 2015, the Commission successfully met its statutory mandate to develop a cost-sharing policy to ensure each intercity and commuter service is assigned the costs associated with its sole-benefit use of the NEC and a proportional share of costs resulting from joint-benefit use. As a result—for the first time—there will be a multi-year, minimum amount for annual Corridor investment. Further, the policy sets forth recommendations for federal policy changes and highlights the need for a federal-state partnership to address the Corridor’s significant investment needs.

This financial commitment is part of a comprehensive framework for collaboration that will address capital planning, operational performance and project delivery, with an emphasis on increasing transparency and accountability.

However, funds generated by the cost-sharing policy are not nearly enough to bring the Corridor to a state-of-good-repair, or build the capacity necessary to maintain existing services, let alone expand services to accommodate future demand.

As part of this new partnership for the Corridor, the Commission released the first Northeast Corridor Five-Year Capital Plan, which contains inputs from all NEC owners and operators. The Plan charts a common course to ramp up capital investment if additional funding were available. This integrated, unified investment plan is intended to inform the federal budget and appropriations process and is a key Commission recommendation to Congress, required by 49 U.S.C. § 24904(a)(1). Future plan iterations will incorporate methods for prioritizing unfunded capital needs.

The Region and the Economy

The Corridor contributes to the nation’s economic growth by supporting essential intercity, commuter, and freight rail services. Each day, its 457-mile main line between Boston, MA and Washington, DC carries over 700,000 commuter rail and 40,000 Amtrak passengers on over 2,000 trains; people who might otherwise use the region’s congested highways and airports.

Home to over 50 million people — or one out of every six Americans — the NEC Region is an economic powerhouse, generating \$1 out of every \$5 in gross domestic product on two percent of the nation’s land area. Further, the Corridor provides reliable access to core employment centers that contain one out of every three jobs in the region, where the economy measured alone would be the fifth largest in the world, ahead of France. A one-day service loss could cost the nation \$100 million in additional highway congestion, productivity losses, and other transportation impacts.

NEC FUTURE Process

The NEC FUTURE EIS is a National Environmental Policy Act (NEPA)¹ requirement to undertake a rigorous environmental review to evaluate potential effects of the NEC FUTURE program on the built and natural environments. The Final EIS and Record of Decision (ROD) will determine an envelope for the NEC’s growth through 2040.

While NEC FUTURE is a critical planning process that will establish a framework for future investments, it does not commit the region to specific projects and service plans, nor does it represent a funding commitment by the region’s stakeholders. In recent years, the states in the NEC Region and Amtrak, in partnership with USDOT, have committed significant resources to improving the NEC. Across the region, planning and construction are underway on critical projects that will advance state-of-good-repair and improved performance efforts and support continued economic growth. Recognizing these recent investments, the states and Amtrak look forward to participating in future discussions on the funding partnerships that will be required to deliver new projects.

To date, the FRA has led a transparent, thorough, and deliberative process built on collaboration and should continue working closely with the Commission and other key stakeholders to identify outcomes that are achievable and implementable. The Commission provided data collection for travel demand forecasts and looks forward to continued engagement in completing the Final EIS, ROD, and Service Development Plan (SDP).

The Commission notes that while the analytical work informing the Draft EIS is sound, certain technical constraints pose challenges to evaluating the proposed alternatives. For example, many assumptions used rely on analysis of past trends which do not capture the potential game-changing impacts of transformational investments.

Preferred Alternative

The Commission recognizes that completing the EIS and the SDP will require additional coordination between the FRA and the region’s diverse stakeholders, including transportation providers, local community members, and businesses. This process must not hinder planning and other pre-construction activities underway for several major, proposed Corridor

¹ 42 U.S.C. § 4321 *et seq.*

investments. The outcome of NEC FUTURE should focus on a longer term vision. The outcome should help advance and not preclude short- and medium-term investments already underway.

While additional work is required to complete the EIS and the SDP, the No Action Alternative is not an acceptable outcome. A misnomer, the No Action Alternative presumes funding levels far higher than historic investment and yet still fails to achieve a state-of-good-repair. Even with these funding assumptions, the No Action Alternative would cause degraded conditions across the transportation network due to the system's failure to accommodate new travel demand in a growing economy.

The Commission's recently completed study *Investing in the Northeast Corridor: Advancing the American Economy* concludes that the national economy stands to gain between \$4 and \$8 billion per year by expanding rail capacity and performance to keep pace with population growth. These productivity gains result from congestion avoided on the highway and aviation networks. The total benefits, however, could be significantly higher. That figure does not account for additional investment benefits such as jobs created by the construction industry and business activity attracted to a more globally competitive region.

In addition to worsening congestion on the region's highway and aviation networks, the No Action Alternative would cause increasingly overcrowded trains and continued reliability challenges. Notably, the study finds that Corridor delays due to infrastructure failures and rail congestion already cost the U.S. approximately \$500 million annually in lost productivity.

To achieve a state of good repair and sustain current service levels requires a level of investment above and beyond the No Action Alternative. Over \$20 billion would be required to replace the backlog of aging assets, in addition to ongoing, capital investments between \$400 and \$500 million per year for typical maintenance and repairs.

NEC FUTURE represents an important and necessary step forward for the NEC, the region, and the country. The Commission looks forward to continued partnership with federal, state, and local governments and the public to identify a responsible, viable long-term plan for the Corridor.

Sincerely,



James P. Redeker
Chair, Northeast Corridor Commission
Commissioner, Connecticut Department of Transportation

Enclosure: *Investing in the Northeast Corridor: Advancing the American Economy*