Maximizing the Utilization of Passenger and Freight Infrastructure

Abstract
This is an ongoing debate that pits the public interest against privately owned infrastructure. There are many examples where freight owned railroads have cooperated with public agencies to provide service, most notably Amtrak.

There are also a number of successful examples of public-private cooperation between the nation’s railroads and local passenger systems. What needs to be carefully examined is the distinction between local cooperation and the impact on current and future intermodal services, in particular the ability of the railroads to provide sufficient capacity in the future (e.g. 2035) to meet the surface freight demands. This is particularly important when considering the expanded use of high speed rail that is being proposed.

Should the government develop separate rights-of-way, invest in expanding existing railroad capacity on existing rights-of-way, or find some mechanism to jointly use existing infrastructure without impacting the railroads ability to provide services to the shipping public?

Passenger Services on Private Railroads

- Since The Rail Passenger Service Act in 1970 the National Railroad Passenger Corporation (Amtrak) has been authorized to manage the basic national rail network and operate trains on host tracks under contracts with the Class 1 Railroads.

- Railroad owners must allow Amtrak to operate on their tracks. Amtrak pays these host railroads for use of their tracks and other essential resources.

- By law private rail operators must give Amtrak scheduling priority, however, the dispatching and scheduling is controlled by the railroads and Amtrak does not always receive priority.

- Amid rising delays Congress passed the 2008 passenger rail law giving Amtrak a powerful role in setting standards to control the freight railroads and ensure that passenger trains can run on time.

Primary Resources:

93% of Amtrak's system consists of tracks owned and operated by freight railroads

Source: US DOT Bureau of Transportation

Railway Age

AAR to Congress: Freight rail strong and flexible—and the backbone of passenger rail

In the face of immediate challenges and long-term climate-change concerns, the American Association of Railroads (AAR) has called on Congress to support the freight rail industry’s competitive position in the global supply chain and green transportation system. "America’s freight railroads are a critical component of a sustainable future," said Dave Osikowicz, CTO of AAR. "They move more than 98 percent of America’s intermodal volume—on the same tracks and infrastructure operated by our passenger railroads.”

Putting a Price Tag on Freight-Passenger Rail Service Tradeoffs

93% of Amtrak's system consists of tracks owned and operated by freight railroads. This is an ongoing debate that pits the public interest against privately owned infrastructure. There are many examples where freight owned railroads have cooperated with public agencies to provide service, most notably Amtrak.
In 2015 Amtrak was taken to the Supreme Court on claims that the power it was given in setting standards for the freight railroads was unconstitutional and unfairly affected the freight industry.

– The justices ruled that Amtrak is not a private entity, as the lower courts had initially ruled, but left it up to the lower courts to determine whether or not Amtrak should be allowed to develop standards other railroads must follow.

Capacity Constraints

• The amount of freight shipped by rail has grown rapidly over the last decade.

• Rail systems have limited capacity and in order to accommodate both increasing freight and passenger use there must be system updates.

55% of Class 1 railroad demand is projected to be near or above capacity in 2035 with current rail systems and infrastructure

High-Speed Passenger Rail

• High-speed rail is used for public transportation around the world and is starting to gain traction in the United States.

– In 2009 the Federal Railroad Administration (FRA) released a High-Speed Rail Strategic Plan to layout the goals and proposed implementation process of high-speed networks in America.

• Adding high-speed passenger trains to existing freight lines where the freight trains travel approximately 50 mph poses significant problems including scheduling and increased track maintenance.

• The California High-Speed Rail Authority is responsible for planning, designing, building and operation of the first high-speed rail system in the nation. California high-speed rail will connect the mega-regions of the state, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands.

Working Together

• Freight railroads and passenger operators must work together to create mutually beneficial solutions that are both profitable and serve the publics needs.

• The Association of American Railroads (AAR) has advocated for five key principles to be addressed to guide the interactions of passenger and freight operations:
  1) Safety must come first
  2) Capacity issues must be addressed
  3) Passenger railroads must fully and fairly compensate freight railroads for the use of assets and property
  4) Freight railroads must be protected from liability associated with passenger service
  5) Agreements must be tailored to specific projects

Creative Solutions

• Individual states are taking a more active role in rail planning and management. The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) requires states to develop FRA-accepted state rail plans and encourages state involvement in rail policy, planning, and development.

– This increased involvement has the potential to improve passenger rail by allowing states to partner financially with private railroads to improve facilities and services.

– The Minnesota Comprehensive Statewide Freight and Passenger Rail Plan is an example of one of these state plans and was also the winner of a 2010 Transportation Planning Excellence Award in Freight Planning, Planning Leadership, and Public Involvement and Outreach.

• CREATE is a public-private partnership between the U.S. Department of Transportation, the State of Illinois, City of Chicago, Metra, Amtrak, and the nation’s freight railroads devoted to reducing congestion in the Chicago area. It offers a unique and innovative approach to tackling the complex challenges of rail movements.

– CREATE consists of 70 projects that when completed will enhance the efficiency of both freight and passenger operations.

All Aboard Florida is an express, intercity passenger rail project connecting Miami to Fort Lauderdale expected to begin service in 2017.

– All Aboard Florida will be the only privately owned, operated and maintained passenger rail system in the United States. It will run on a mix of existing Florida East Coast Railway tracks (its parent company) and dedicated new tracks.

– This project has also created opportunities to improve connectivity and build partnerships with other local transit agencies.

• South Florida Regional Transportation Authority (SFRTA) has also engaged in other unique passenger rail projects including purchasing track from CSX and assuming operational authority for lines while retaining CSX’s right to move freight over the line.