

TESTIMONY OF
WILLIAM MILLAR, PRESIDENT
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
ON
“COMPETITION FOR INTERCITY PASSENGER RAIL IN AMERICA”
SUBMITTED BY



American Public Transportation Association
1666 K Street, N.W.
Washington, DC 20006
Tel: [REDACTED]
Fax: [REDACTED]

June 22, 2011

APTA is a nonprofit international association of nearly 1,500 public and private member organizations, including transit systems and high-speed, intercity and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient, and economical transit services and products. More than 90 percent of the people using public transportation in the United States and Canada are served by APTA member systems.

INTRODUCTION

Chairman Mica, Ranking Member Rahall, and members of the Committee, thank you for this opportunity to express APTA's views on the "Competition for Intercity Passenger Rail in America Act of 2011." The American Public Transportation Association's (APTA) member organizations include public agencies and private businesses that are involved with providing commuter rail service and intercity and high-speed intercity passenger rail service.

ABOUT APTA

The American Public Transportation Association (APTA) is a nonprofit international association of 1,500 public and private member organizations, including transit systems, high-speed, intercity passenger and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient and economical public transportation services and products. More than 90 percent of the people using public transportation in the United States and Canada are served by APTA member systems.

OVERVIEW

I appreciate the opportunity to submit comments today on behalf of APTA. I do so with the understanding that our member organizations have had very little time to review the bill and its potential impacts. Our diverse membership will have specific interests and concerns related to the bill. Since it has not been possible to have APTA's member organizations thoroughly review the bill, there may be issues that we will need to revisit with the committee in the future, as our members better understand potential impacts and opportunities. Having said that, I want to credit this committee for attempting to craft legislation intended to encourage the development of high-speed and intercity passenger rail service, and for its efforts to encourage private sector participation and financing for such service.

I also want to encourage the committee to do everything possible to ensure that assets on the existing system are preserved and improved, and that needed service on the existing system continues and has the ability to grow, and that publicly-owned railroads do not end up paying more for access and other operating needs when existing contracts expire and must be renegotiated. APTA recognizes the need for a national intercity passenger rail system, and we hope that the bill does not undermine in any way the continuation of such a national system. In principles adopted well before introduction of this bill, APTA urged the federal government to fully fund the costs of bringing the Northeast Corridor Amtrak, state and commuter rail agency segments to a state of good repair or better over a reasonable period.

I also want to emphasize that APTA does not view public private financing as a substitute for adequate federal investment in the nation's transportation infrastructure. We strongly believe that this bill must be considered as part of a larger, well funded six-year intermodal surface transportation bill that provides predictability at the federal level for public transportation systems, commuter railroads and high-speed and intercity passenger rail operators. Such federal investment in our transportation infrastructure will return enormous benefits to the nation, create and sustain jobs, and is essential to support a growing, vibrant economy.

NORTHEAST CORRIDOR PASSENGER RAIL SERVICE

The Northeast Corridor (NEC) is one of the most complex rail corridors in the world, with more than 2,200 trains operating over the Boston to Washington route each day. Four freight railroads, seven commuter railroads, and Amtrak operate on the NEC. On an average weekday, an estimated 622,000 riders board the commuter railroads that operate on the NEC and Amtrak carries and estimated 41,000 passengers.

While our testimony focuses on state-supported passenger rail, we are still reviewing the potential implications of the changes proposed to the provision of passenger rail service on the NEC. APTA strongly supports passenger rail service in the United States, including efforts to create a national high-speed intercity passenger rail system that includes service on the Northeast Corridor. We want to work with this committee to ensure that its efforts result in more passenger rail service in this country, and that those efforts do not jeopardize existing service in the Northeast Corridor or other parts of the nation.

COMMUTER RAILROADS AND INTERCITY PASSENGER RAIL

I have been asked to specifically comment on Title II of the bill, which would allow states, groups of states, and public agencies to solicit competitive bids to operate intercity passenger rail service under cost share agreements with the states on routes of up to 750 miles. Certainly many commuter and intercity passenger railroads now contract for service, with Amtrak and with other private operators. There are now 27 commuter railroads in the United States, two of which are so new that they have not provided annual data to the National Transit Database (NTD). Of the 25 commuter railroads that have reported to the NTD, 17 agencies purchase transportation service under contract and 8 directly operate service. While a majority of commuter railroad systems currently contract for service, 80 percent of the passenger total are served by the 8 directly operated systems, a group that includes most of the oldest and largest commuter rail systems. According to NTD reported data, the cost of providing this service, based on a cost per passenger mile, is similar whether directly operated and purchased from a third party vendor.

Commuter railroad service is most often provided by contract operators under current law, and this bill would not eliminate that option. While the bill ensures that commuter rail operators dependent on rail access, maintenance, and dispatching will continue to have such services at a level that accommodates existing levels of service, we are concerned about the costs

and terms of access, maintenance, and dispatching in an era when demand for commuter rail service is growing. The fact that there were 19 U.S. commuter rail operators in 2006 and are now 29 operating commuter railroads is just one good indicator of that growth and the need to anticipate more growth in the future.

Further, while it appears that Title I of the bill ensures that commuter rail service dependent on rail access, maintenance, and dispatching on the Northeast Corridor would be at least continued at no less than the current level of service, it does not appear that Title II of the bill, which deals with intercity passenger rail competition, would ensure the continuation of even existing levels for commuter railroads. Our concern is that a contract provider of intercity passenger service would negotiate a new contract with the railroad that owns the right of way and that that new contract could adversely impact commuter rail operations on that line.

Finally, on Title II, we note that the bill creates an advisory commission on the establishment of state-supported passenger rail routes and directs the advisory commission to consult with affected parties, including track owners, labor, Amtrak, and potential applicants. We respectfully suggest that the bill direct the advisory commission to include representatives of commuter rail operations in the consultation process.

CONCLUSION

I again thank the committee for the opportunity to testify on this important proposal and pledge our commitment to work with the committee as it moves the bill forward. We will work with APTA's member organizations to better understand their views on the bill and share those views as we receive them.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

William M. Millar

(2) Other than yourself, name of entity you are representing:

American Public Transportation Association

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

\$50,000, Federal Transit Administration, 49 USC 5314-National Research Program

Signature



Date

6/21/11



William Millar
President
American Public Transportation Association

William Millar is the president of the American Public Transportation Association (APTA). Since coming to APTA in 1996 Bill has sought to expand APTA's reach and effectiveness, guiding it to legislative victories and dramatically increasing federal investment in public transportation.

Prior to APTA, Bill served 19 years at the Port Authority of Allegheny County, the principal transit operator serving Pittsburgh, PA. As its executive director from 1983-1996, he oversaw the development and operation of bus, busway, light rail, paratransit and inclined plane service. He is the founder of Pittsburgh's award-winning ACCESS paratransit service.

From 1973-77, Bill worked for the Pennsylvania DOT where he developed and managed Pennsylvania's Free Transit Program for Senior Citizens and led the Penn DOT's rural public and community transit efforts. He began his career as the county transportation planner in Lancaster, PA.

Mr. Millar is a strong supporter of transportation research and is the recipient of the Founding Father Award for his leadership in establishing the Transit Cooperative Research Program (TCRP). He has been a member of the executive committee of the Transportation Research Board for many years and served as its chair in 1992. He also serves on advisory committees of several university transportation research institutes.

A well-known expert in the field of public transportation and transportation policy, Bill has published numerous articles and has often testified before the U.S. Congress. He is a frequent speaker and lecturer at conferences and seminars and is an adjunct professor in the School of Public Policy at George Mason University.

Mr. Millar is the recipient of many awards, including APTA's Jesse Haugh Award for Transit Manager of the Year (1987), the Transportation Research Board's W. N. Carey, Jr. Distinguished Service Award (1999); Pattison Partnership Award from the Intermodal Passenger Institute (2001); and Railway Age's Graham Claytor Award (2006).

Bill has a BA from Northwestern University and an MA from the University of Iowa majoring in urban transportation planning and policy analysis. He lives in Falls Church, VA with his wife and two children and commutes to work on Washington's Metrorail.