

September 14, 2022

The Honorable Amit Bose
Administrator
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Request for Information for the Interstate Rail Compacts Program (FRA-2022-0064)

Dear Administrator Bose:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the Federal Railroad Administration's Request for Information for the Interstate Rail Compacts Program (FRA-2022-0064) published in the Federal Register on August 19, 2022.

AASHTO is a nonprofit, nonpartisan association representing the state transportation departments (state DOTs) in the 50 states, the District of Columbia, and Puerto Rico, with a mission to support state DOTs to connect America with the transportation system of today and tomorrow. AASHTO and the state DOTs have a long history of successful partnership and collaboration with the U.S. Department of Transportation (USDOT) and the Federal Rail Administration (FRA), as well as Amtrak and industry partners. We look forward to joining our partners in continuing to support interstate cooperation to advance passenger rail programs.

The Interstate Rail Compacts Grant Program (the Program) is an important funding tool to support states' advancement of interstate passenger rail. AASHTO thanks FRA for providing the opportunity to share feedback on this newly established grant program. AASHTO appreciates the opportunity to share feedback on the three topics outlined in the Request for Information.

Program Eligible Activities

AASHTO believes that states currently in Interstate Rail Compacts (IRCs) can provide the most nuanced information on the funding uses and needs within IRCs. Of particular significance are the activities of the Southern Rail Commission, the Midwest Interstate Passenger Rail Commission, and the Virginia-North Carolina Interstate High-Speed Rail Compact's Southeast Corridor Commission. Open and strong communication between state DOTs, Amtrak, and FRA will be crucial to refining the future guidance and technical assistance FRA develops on this new program.

Additionally, AASHTO appreciates that the activities listed by FRA as eligible for financial assistance in the Program capture important IRC actions. Of continual importance, too, is establishing dedicated funding to state rail programs individually for planning, environmental document development, and capital project advancement, as IRCs become increasingly useful tools in correlation with the advancement of all state rail programs.

One of the benefits of IRCs is that they are tailored contracts. Effective interstate compacts are designed to meet the needs of the states who jointly enter the agreement. As such, any compact deliverables or performance measures FRA seeks to establish may be most effective when set at the individual compact level, following close collaboration between FRA and the involved states. High-level deliverables should be limited to grant performance reports, as additional requirements should be considered following case-by-case coordination. AASHTO recommends that FRA closely consults with state DOTs and Amtrak and review the published activities of existing IRCs.

Sequencing of Activities

As finalized compacts are aimed to most effectively coordinate between the state participants, it may be difficult to set an overarching sequencing framework that aligns with varied compact goals. AASHTO would again recommend reviewing the activities and published materials of established IRC Commissions for examples of sequencing in IRC activities.

IRC Development and Dormant IRCs

AASHTO recognizes the value IRCs can provide in elevating rail program coordination among states. AASHTO agrees that coordination between states on intercity and cross-state passenger rail services can help states address connectivity and congestion inefficiencies and support grant application processes.

At this time, AASHTO sees a great interest in, and need for, technical assistance and educational materials from the federal government on IRCs including sample IRC legislation and guidance on the legislative processes required for IRCs. Though IRCs can deliver great benefits by facilitating coordination among states to optimize cross-state rail development, the structure of IRCs may present additional or unfamiliar challenges for states working toward coordinated passenger rail programs. States with rail programs at varying development stages may not always easily coordinate projects within the formal structure of a compact. Without technical assistance available, states may find that advancing ongoing state and regional rail efforts takes priority over developing and entering new IRCs.

Further, IRCs may achieve the greatest longevity when their authority is broadly established, in order to minimize the need to revise compact legislation as program and legislative cycles progress over time. However, state DOTs not currently in compacts may face concerns regarding the ways that IRCs interact with state DOT authority to manage state rail systems. Overall, AASHTO appreciates that FRA has acknowledged the need for technical assistance and is seeking to provide greater guidance and educational materials on IRCs.

AASHTO appreciates the opportunity to provide feedback on FRA's proposed guidance on the development and implementation of railroad capital projects. We look forward to working with FRA on the continued development of guidance for states and rail partners. If you would like to discuss the issues raised in this letter, please contact Shayne Gill, AASHTO Program Director for Multimodal Transportation, at (202) 624-3630 or sgill@ashto.org.

Sincerely,



Shawn D. Wilson, Ph.D.

President, American Association of State Highway and Transportation Officials
Secretary, Louisiana Department of Transportation and Development