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OF RAILROAD PASSENGERS

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RETURN REQUESTED

53 SENATORS!

"I understand that the hour is late in terms of maintaining the present Amtrak system. I understand that the Senate gets a little bit tired of this subject coming up, but it is so important for those people who must ride trains in order to get from here to there that we provide them this opportunity."

—Sen. John Melcher (D-MT), Sept. 27

Persistence may yet pay off for Sen. John Melcher (D-MT) and rail passenger advocates. On Sept. 27, during Senate consideration of an appropriations continuing resolution, Melcher produced an amendment designed to save the stronger trains Amtrak and DOT wanted to kill. The amendment also provided for a Nov. 15 startup of a Buffalo-Detroit section for the "Lake Shore" while requiring continued "Lake Shore" service on the Cleveland-South Bend route.

The amendment was ruled not germane on a tie vote (44-44), a considerable improvement over Melcher's 35-65 defeat August 1 when he tried to freeze the entire Amtrak system with an amendment to the authorization bill. Furthermore, 18 Senators who voted against Melcher in August voted with him Sept. 27. The office of at least one of these 18, Orrin G. Hatch (R-UT), emphasized he was only supporting Melcher on the procedural issue, and it appeared that James A. McClure (R-ID) did not cast his vote with Melcher until he saw that it would not affect the outcome (a common practice in the Congress).

On the other hand, Sen. Jennings Randolph (D-WV), another August opponent, only voted against Melcher this time because of last-minute confusion over the impact of Melcher's wording on the "Cardinal," and John Glenn (D-OH) announced he was only voting against Melcher because he claimed the amendment's "Lake Shore" provision "would, in effect, eventually eliminate the Lake Shore which serves the metropolitan areas of Cleveland, Lorain, Elyria, and Toledo."

Melcher will try again with an amendment to the DOT appropriations bill expected to reach the floor around Oct. 30, although votes often take place after their predicted dates. (On Oct. 1, Melcher got a surprise second shot at a new appropriations continuing resolution, but his amendment was tabled—killed—on a 51-35 vote which may have reflected primarily the anger of Senators at the House for having left town before the continuing resolutions were settled.)

Both the Sept. 27 and Oct. 1 Melcher amendments called for saving all Amtrak trains except the "Hilltopper."

Since a total of 53 Senators have voted with Melcher at least once, approval of his amendment is a realistic possibility, though one should never discount the tenacity and effectiveness of DOT and Amtrak lobbyists working in tandem with the Commerce Committee leadership.

The House has already passed the appropriations bill without "Melcher-type" provisions so any such Senate language would have to survive a conference. Representatives certain to be on the conference committee, which would meet sometime after the Senate votes, are Jamie L. Whitten (D-MS), Silvio O. Conte (R-MA), and Robert B. Duncan (D-OR). Let them know you hope they will support any additional service the Senate might approve.

Although Melcher might succeed in getting the requirement to run more trains added to the appropriations bill, additional funding to support those trains could not be appropriated until after a supplemental authorization has been approved by the Commerce Committees and the House and Senate. Another funding source may be the increased revenues Amtrak has been enjoying, but whose impact Amtrak has not satisfactorily explained. If Melcher is successful, and the need for a supplemental authorization becomes clear, NARP will notify members by first class mail.

Clearly, the restoration of additional trains is a complex process. As with the legal battle, however, the further along it gets the more people in Washington will understand how badly those responsible for the new law underestimated public interest in *all* the trains and the less likely anyone would be to attempt to remove more trains in the future.

Amtrak revenues in FY 1979 covered 41% of operating expenses according to Amtrak President Alan Boyd, up from 37% in FY 1978, and better than many urban transit systems. Amtrak's financial performance improved greatly after the sharp rise in gasoline prices in late spring this year, with revenues covering 48% of expenses in June, 53% in July, and 51% in August.

The revenue-to-expense ratios of Amtrak (Oct. '77-Sept. '78) and various transit systems (Calendar Year 1978) are shown below.

Port Authority of Allegheny County (Pittsburgh)	**44%**
AMTRAK SYSTEM	**37%**
Houston Metropolitan Transit Authority	**37%**
Kansas City Area Transportation Authority	**30%**
San Francisco Municipal Railway	**29%**
Municipality of Metropolitan Seattle, Transit Dept.	**28%**
Greater Cleveland Regional Transit Authority	**26%**
Metropolitan Atlanta Rapid Transit Authority	**21%**

SOURCES: Amtrak, American Public Transit Association.

"It may cost U.S. motorists $50 to fill the tank of a standard American car within five years, Worldwatch Institute reported Saturday.

"In a study entitled 'The Future of the Automobile in an Oil-Short World,' the independent research group said, 'It now costs about $20 to fill the tank of a standard American car; five years ago it cost less than $10, and five years hence it is likely to be $50.'

"The situation, it said, will lead to pressures for more efficient cars and shifts to alternative forms of transportation in those countries, such as the United States, that are heavily dependent on automobiles."

—*Nevada State Journal,* **Reno (UPI)**
Sunday, 30 Sept. 1979

THE NEW AUTHORIZATION

On Saturday, September 29, President Carter, without fanfare, signed the Amtrak Reorganization Act of 1979 into law. The act authorizes operating funds for two years and capital funds for three years, making it the most ambitious such act in Amtrak's history.

The act sets stringent goals for Amtrak. It also probes deeply into Amtrak's operations with requirements for various technical reports and procedures, reflecting both the complexities of Amtrak's task and its unsatisfactory performance to date.

Most importantly, the act reflects a commitment by Congress to make Amtrak work—the first time such a commitment has been clear since the word got out that profits are not in view. This commitment is reflected in new material added to the "Congressional Findings and Declaration of Purpose" section of the law, as well as the addition of the new "Goals" section: "(The Congress finds) that rail passenger service offers significant benefits with minimum energy expenditure and represents a significant national transportation asset in time of national emergency or energy shortage.

"The Congress further finds that—

> "(1) *inadequately defined goals for the Corporation have denied its board of directors an effective role in guiding the Corporation or in promoting and increasing the number of intercity rail passengers;*
>
> "(2) *uncertain goals and financial commitment have discouraged the development of effective corporate management;*
>
> "(3) *uncertainty arising from the lack of specific goals has made the achievement of high employee morale difficult;*
>
> "(4) *State participation in subsidizing interstate rail passenger service has, for the most part, been unworkable;*
>
> "(5) *lack of full cooperation by the railroad industry has im-*

(cont'd. on p. 2)

NARP'S ALLIES

Railroad passengers benefited greatly this year from help provided by other environmental groups. At the start of this year's campaign to fight the DOT plan, it seemed clear that many other groups would be opposed to the plan, and that our common goals would be well served by closer coordination. Thus, when NARP's Ross Capon testified on March 5 before the Senate Commerce Subcommittee on Surface Transportation, he appeared with a panel of environmental representatives: one each from Environmental Action, the Environmental Policy Center, and the Sierra Club. The Natural Resources Defense Council submitted a letter in opposition to the plan.

In midsummer, the Coalition for Amtrak Revitalization was formed by representatives from the above-named groups plus the following organizations: A. Philip Randolph Institute; Coalition for Labor Union Women; Consumer Federation of America; Food and Beverage Trades Dept., AFL-CIO; National Association of Retired & Veteran Railroad Employees; National Consumers League; National Council of Senior Citizens; CONTACT U.S. (a new coalition of local highway-fighters); Railway Labor Executives Association; Rural America; Hotel & Restaurant Employees & Bartenders International Union; Northern Virginia Conservation Council. This was perhaps the first time that such diverse groups came together, and their work was an important contribution towards the effort that came close to freezing the Amtrak route structure last summer.

We are also grateful to a member of our own Board, Samuel E. Stokes, Jr., of Alstead, NH, who made possible a large ad in the *Washington Post* on June 20 in which NARP urged legislators to support amendments in both the House and Senate that would have prevented the discontinuance of any Amtrak trains this year.

The New Authorization (cont'd. from p. 1)

peded effective systemwide operation of passenger trains by the Corporation; and

"(6) a greater degree of cooperation is necessary among railroads, the Corporation, States with subsidized service, labor organizations, and suppliers of services and equipment to the Corporation in order to achieve a level of performance sufficient to justify additional expenditure of public funds.".

"SEC. 102. GOALS.

"The Congress hereby establishes the following goals for Amtrak:

"(1) Improvement of on-time performance by at least 50 percent within the three-year period beginning on the date of enactment of this section.

"(2) Implementation of schedules which provide a systemwide average speed of at least 55 miles per hour, and which can be adhered to with a degree of reliability and passenger comfort.

"(3) Improvement of the ratio of revenues to operating expenses, with the goal of coverage of at least 44 percent of operating expenses, excluding depreciation, from revenues by the end of fiscal year 1982 and 50 percent by the end of fiscal year 1985.

"(4) Improvement of the feasibility of State-subsidized service through the use of technical assistance panels to coordinate, plan, and implement such service.

"(5) Encouragement of rail carriers to assist in improving intercity rail passenger service.

"(6) General improvement of Amtrak's performance through comprehensive, systematic operational programs and employee incentives.".

Service provisions. Amtrak must:

—until April 1, 1981, continue to accept commutation tickets and provide its current commuter services plus two daily ex-Conrail round trips between Chicago and Valparaiso, IN;

—by Dec. 28, "establish a reduced fare program for elderly and handicapped individuals;"

—by Jan. 1, 1981, "enter into a (nationwide) contract with rail carriers to establish rights for the operation of special or charter trains . . . anywhere in the Nation upon provision of reasonable notice (of not less than 7 days)" or, for rail lines "on which rail passenger service has not been operated for the preceding 180 days, reasonable notice" shall be "not less than 21 days." In the event Amtrak and the railroads don't reach agreement by the deadline, the ICC, "upon application by" Amtrak, shall dictate the contract by the end of June, 1981; and,

—by Feb. 15, 1980, submit to the Congress and the Secretary of Transportation a report evaluating the "possibility of providing rail passenger service on a portion or segment of any route over which service is discontinued on or after Oct. 1, 1979." Railroads are prohibited from downgrading or disposing of "facilities . . . which are used in the operation of rail passenger service by (Amtrak) on Feb. 1, 1979" except with permission of the Secretary and after Amtrak has had an opportunity to object to the downgrading and enter into a contract with the railroad to maintain or retain a facility.

Amtrak's authority to establish through routes and joint fares with bus companies is expanded to encompass "any domestic or international motor, air, or water carrier."

Amtrak is authorized to operate short-haul demonstrations on routes of 200 miles or less which link two or more major metropolitan areas. It is expected that Chicago-Indianapolis service will be provided under this section when reasonable running times can be achieved. Amtrak says current track conditions would require a 6½ hour running time for the 191-mile run. It is hoped the service will commence in mid-1980 by which time something under 4½ hours should be possible. Thus Indianapolis, at least for an interim period, became the largest city to lose all Amtrak service in the recent round of service cuts.

The law incorporates all the lofty, hollow rhetoric which produced the political route structure outlined in Aug. *News*.

In general, future changes in Amtrak's basic system are to be governed by the old "Route and Service Criteria." As noted in earlier newsletters, "regional balance" trains ("Pioneer" and "Inter-American") can only operate after Oct. 1, 1981 if they meet the criteria (150 PM/TM; 7¢ avoidable loss/PM "as adjusted to reflect constant 1979 dollars"). The same condition applies to "substitute services . . . over an existing route . . . but excepting any short haul route concentrating on commuter ridership." This apparently means that portions of the "Southwest Ltd.," "San Francisco Zephyr," "Broadway Ltd.," and "Lake Shore Ltd." not included in the Secretary's Final PLan will have to meet the test, but the "Shenandoah" will not.

Amtrak is required to "conduct an annual review of each long-distance route in the basic system" to see if it meets the Route and Service Criteria, and to put any failing route through the criteria. Incidentally, the criteria process does not need to be applied to "rerouting of service between major population centers on existing routes."

The act repeals the provision under which ICC promulgated and enforced its adequacy of service regulations.

Authorization of funds. "Basic system" operations are allotted $630.9 million for FY 1980 (the 12 months ending Sept. 30, 1980) and $674.9 million for FY 1981. $203, $244, and $254 million are authorized for "costs of capital acquisition or improvements to the basic system" in Fiscal Years 1980-82, respectively. There is a separate category of labor protection funding ($30, $12, and $20 million, respectively for FY '80-2), and any portion of this funding left over after labor protection demands are met can be used to augment basic system operating and capital expenditures. Labor protection money goes up in FY '82 in case regional balance or substitute service fail the test noted above and are discontinued.

$25 million for debt payments on outstanding loans are authorized for each of the three years.

Finally, the act authorizes $23.8, $29, and $30 million for "operating and capital expenses" of Section 403(b) services (joint state/Amtrak funding). $23.8 million translates into about $16.3 million for *new* services, and Amtrak is required to give priority to applications for "support of a service deleted from the basic system in effect prior to Oct. 1, 1979, or the basic system in effect after such date."

To encourage the involvement of more states and to protect them from heavy startup costs when ridership is developing, states are required to pay only 20% of avoidable operating costs in the first year and 35% in the second. These reductions apply both to new routes and to frequencies added to existing routes.

Funding arrangements remain 50% Amtrak/50% state (or any "group of States, or any regional or local agency," as the case may be) for operating costs starting with the third year, and the state share of capital expenses remains unchanged at 50% in all years. However, a state "shall be entitled to reimbursement for staff services in an amount equal to 1½% of the operating losses and associated capital costs" of its 403(b) services.

New procedures are outlined for starting 403(b) services. **Applications for service during this fiscal year must be filed by the end of November;** from FY '81 on, the deadline will be the end of March in the previous fiscal year ("at least 180 days prior to the beginning of the fiscal year;" fiscal years begin Oct. 1).

If Amtrak finds that an application is accompanied by "adequate assurances" the applicant can pay, and by a market analysis "acceptable to" Amtrak, Amtrak must convene a "Technical Assistance Panel" consisting of a representative from "each State that is a party to the application," Amtrak, "a representative from a railroad labor organization representing operating crafts of employees," and a representative from non-operating labor. Responsibilities of the panel include making recommendations to Amtrak with respect to: "(i) appropriate measures for minimizing (the solely related costs and associated capital costs), including measures such as

"(I) the assumption by the applicant State or agency of certain responsibilities in connection with the operation of the service under consideration; and

"(II) a reduction in the labor costs of operating such service; and

"(ii) if more than one State is a party to the application, the appropriate manner for allocating such costs among the applicant States.

Public Policy. The General Accounting Office is required to report by the end of next March to the Congress on "appropriate means" for Amtrak to eliminate the "obligations" of the Corporation on outstanding loans, which are the cause of the $25 million/year item noted above. (The Federal loans date from early in Amtrak's history and resulted from legislation that anticipated Amtrak would be profitable.)

Sections in the law requiring reports on Amtrak tax payments to state and local governments, reports on Amtrak carriage of mail and express, and on establishment of a uniform cost allocation are reprinted in full. The latter section is the work of Sen. Charles McC. Mathias, Jr. (R-MD), who is particularly interested in finding a way to lead Amtrak out of the "red ink" syndrome. British Rail, for example, has a "contract" with the government which assigns a particular value per passenger-mile, and reports a profit when it "beats the contract." Even though it of course loses money according to the normal commercial definition, this approach changes the tone of public discussion about the railways and helps even the score with the competing modes which are popularly viewed as unsubsidized simply because their subsidies are indirect.

"SEC. 810. STATE TAXATION STUDY.

"The Secretary shall conduct a study of the payment of taxes by the Corporation to State and local governments, including the payment of property taxes, sales taxes, gross revenue taxes, fuel taxes, licenses, and other user fees, and any other taxes paid by the Corporation to such governments, and shall make recommendations to the Congress no later than January 1, 1980, concerning the advisability of relieving the Corporation, either in whole or in part, of its obligation to make such payments. In conducting such study, the Secretary shall consider—

"(1) the requirement that the Corporation be operated and managed as a for-profit corporation;

"(2) the certainty that the Corporation will need substantial Federal subsidies for the foreseeable future;

"(3) the demand by States and localities for continued and increased federally funded rail passenger service;

"(4) the benefit to States and localities of rail passenger service directly funded by the Federal Government; and

"(5) the importance to the Nation of maintaining an efficient and reliable national rail transportation system.".

MAIL AND EXPRESS REVENUES

SEC. 131. The National Railroad Passenger Corporation shall, in conjunction with the United States Postal Service, determine those mail transportation requirements which can be met by the Corporation and shall develop and submit to the Congress, no later than April 30, 1980, a report setting forth recommendations designed to enable the Corporation to achieve maximum levels of mail carriage and revenues derived from such carriage. Such report shall include the following considerations:

(1) the modification of existing facilities to handle mail and express more efficiently;

(2) the acquisition of modern materials handling equipment and rolling stock;

(3) optimum scheduling;

(4) trains devoted exclusively to mail carriage;

(5) staffing and promotional requirements; and

(6) proposals for such legislative action as may be appropriate.

AMTRAK ROUTE ALLOCATION STUDY

SEC. 132. (a) COST ALLOCATION REPORT.—(1) Not later than April 30, 1980, the President of the National Railroad Passenger Corporation shall submit a report to the Congress on the feasibility of establishing a system of uniform cost allocation for the Corporation which would include—

(A) the avoidable cost by route;

(B) the revenue (including mail and State subsidies, if any) by route;

(C) the fully allocated cost by route;

(D) the number of passengers carried by route;

(E) the avoidable profit or loss by route;

(F) the fully allocated profit or loss by route;

(G) the profit or loss per passenger by route; and

(H) the profit or loss by revenue passenger mile.

(2) For the purposes of this section, the term—

(A) "avoidable profit or loss" means the result of all revenue attributable to a route minus all reasonable and necessary expenses (including use of tracks and other facilities) which would be incurred by a carrier in providing a service which the carrier can establish that it would not incur if such service were not operated, and all other services were continued; such costs shall be restricted to costs solely related to the service and variable portion of common costs which would not be incurred but for the existence of the service; such costs shall exclude fixed common costs, allocation of any common costs which do not vary as a consequence of providing the service, return on investment, rent, and any other costs which the carrier cannot establish that it would not have reasonably and necessarily incurred but for the existence of the service;

(B) "fully allocated profit or loss" means the avoidable costs plus all other costs, other than unallocated costs, allocated to a route according to the Corporation's current accounting practices; and

(C) "unallocated costs" means those corporate interest, general, and administrative costs not assigned to particular routes.

(b) PROFIT AND LOSS REPORT.—(1) The Corporation shall prepare and submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives not later than April 30, 1980, a report containing—

(A) a profit and loss table by route for the upcoming fiscal year, assuming a 50 percent Government reimbursement of the fully allocated losses experienced by each such route; and

(B) the average ticket subsidy required to show a systemwide public service profit (above and beyond such 50 percent Government reimbursement) for the upcoming fiscal year.

(2) Such reports shall be based on the best possible data available to the Corporation including, but not limited to, historical ridership trends, marketing studies, general economic conditions, ticket pricing policies, levels of services and equipment availability among other factors.

(3) For the purposes of this section, the term "public service profit" means the profit or loss experienced on each route after the Government subsidies (both operating and ticket) are added to such route's revenues.

The Act increases what railroad companies must pay Amtrak for carrying railroad employees eligible for free or reduced-rate transportation. Amtrak estimates the new reimbursement rates will yield about $3 million per year, half of what Amtrak was seeking. The law also directs the Comptroller General to study the matter and submit to Congress and the ICC a report "setting forth recommendations regarding the appropriate means for reimbursing the Corporation for the cost of providing such transportation services, taking into account the value of the services being provided." The report is due by the end of March.

Operations. Provisions covering the Operational Improvement Program, the Regional Maintenance Plan, the Performance Evaluation Center, Adequacy of Service Reports, and the Employee Compensation and Incentive Commission are reprinted in full:

OPERATIONAL IMPROVEMENT PROGRAM

"(f) The Corporation shall, not later than January 1, 1981, develop and submit to the Congress and to the President a comprehensive plan for the improvement of all intercity rail passenger service provided in the basic system. The Corporation shall commence implementation of such plan as soon as practicable after all or any portion thereof is developed. Such plan shall include—

"(1) a zero-based assessment of all operating practices and implementation of changes to achieve the minimum use of employees consistent with safe operations and adequate service;

"(2) a systematic program for optimizing the ratio of train size to passenger demand;

"(3) a systematic program for trip time reduction on all trains in the basic system;

"(4) establishment of training programs to achieve on-time departures and priorities for passenger trains over freight trains en route;

"(5) adjustment of purchasing and pricing of food and beverages to achieve, as soon as practical after the date of enactment of this subsection, a continuing reduction in losses associated with food and beverage services with a goal of ultimate profitability;

"(6) cooperative marketing opportunities between the Corporation and governmental entities at all levels having intercity rail passenger service; and

"(7) cooperative marketing campaigns sponsored by the Corporation and the Department of Energy, the Federal Highway Administration, and the Environmental Protection Agency.".

REGIONAL MAINTENANCE PLAN

"(g) The Corporation shall, not later than January 1, 1980, establish a Regional Maintenance Plan. Such plan shall include—

"(1) a review panel at corporate headquarters consisting of such members as the President of the Corporation shall designate;

"(2) a systematic inventory of spare equipment parts by operational regions;

"(3) establishment of the necessary number of maintenance employees per number of cars and locomotives per region;

"(4) establishment of a systematic preventive maintenance program;

"(5) a method for periodic evaluation of maintenance costs, time lags, and parts shortages with appropriate corrective actions; and

"(6) such other elements or activities as the Corporation considers appropriate.".

PERFORMANCE EVALUATION CENTER

"(l) The Corporation shall establish a Performance Evaluation Center within the Corporation which shall have the responsibility of providing an ongoing review of operations. The Center should evaluate both short-term and long-term operational problems and make recommendations for improvement of operations. Each six months, the Corporation shall submit a report of the Center's activities and recommendations to the appropriate authorizing committees of both Houses of Congress and to the Secretary.".

ADEQUACY OF SERVICE REPORTS

"(m) For purposes of assessing the operational performance of trains, the President of the Corporation shall have the authority to direct the conductor on any Amtrak train to report to the Center any inadequacy of train operation. Adequacy of service reports required under this subsection shall be promptly transmitted to the Center. Each report shall be signed by the conductor and contain sufficient information to locate equipment or personnel failures.".

"SEC. 808. EMPLOYEE COMPENSATION AND INCENTIVE COMMISSION.

"(a) The Secretary shall, within 30 days after the date of enactment of this section, name a five-member Employee Compensation and Incentive Commission. The members of the Commission shall be selected on the basis of their knowledge of the railroad industry.

"(b) The Employee Compensation and Incentive Commission shall—

"(1) evaluate the salary paid officers of Amtrak in relation to Amtrak's ability to attract and maintain qualified officers; and

"(2) after consultation with the Corporation and railroad labor organizations, develop a program for improving Amtrak employee incentive and morale, including measures such as the institution of recognition and financial awards for outstanding employees.

"(c) The Employee Compensation and Incentive Commission shall, no later than March 1, 1980, submit recommendations to the board of directors of the Corporation with respect to the matters referred to in subsection (b) of this section. The board of directors shall, within 90 days after the date of submission, notify the Congress of (1) any action it plans to take to implement the Commission's recommendations, and (2) any proposals for additional legislation which the board considers necessary.".

In addition, the new law requires Amtrak's monthly reports to Congress on the financial performance of each train operated to be submitted within 45 days after the end of the month covered, instead of the previous time-limit of 80 days. Also, starting with FY '81, Amtrak must report to Congress, within 60 days after the end of each fiscal year, "the ratio of revenue to operating expenses on all routes in the basic system . . . specifically (identifying) those train routes which did not achieve a 50% ratio, and . . . shall include statements explaining the reasons which prevented such ratios from being achieved."

AMTRAK MANAGEMENT: REORGANIZATION AND NEW FACES

On Sept. 26, the Amtrak Board approved a reorganization of top management "with sweeping changes designed to put primary emphasis on improved service to passengers and better reliability and performance of its trains."

The reorganization involves three newly-created group vice presidencies and five newly-appointed vice presidents. M.L. Clark Tyler, vice president for government affairs since Sept. 1978, will be Group Vice President—Passenger Services and Communications. Reporting to him will be a new Vice President for Passenger Services. This position will be filled by John V. Lombardi, a veteran Amtrak marketing executive and former airline marketing and passenger service specialist, who most recently directed Amtrak's relationships with state and local governments. Functions included in Lombardi's new department are Amtrak's computerized reservations offices; services in stations; services aboard trains, the commissaries which supply Amtrak's food cars; customer relations, and passenger service quality control.

Two other Amtrak vice presidents will report to Tyler. They are Carole Forsyst, newly-appointed vice president—public affairs,

Edwin E. Edel, formerly Amtrak's Vice President—Public Affairs, joined the Family Lines System as Vice President—Public Relations on Sept. 1. He is based in Jacksonville, FL. Edel was the only Vice President who had stayed with Amtrak since its creation, and his tenure of more than eight years was exemplary both in advancing the cause of rail passenger service and in maintaining excellent relations with NARP.

NARP, along with many reporters, also regrets the departure from Amtrak of one of Amtrak's most enthusiastic employees, Joseph Vranich. He left Amtrak's Public Affairs Department on Sept. 1 to join the Grumman Corporation as Manager of Public Relations in the Washington office. Joe served NARP as executive director from 1970 to 1973 before going to Amtrak.

and Lawrence D. Gilson, who will become vice president for government affairs.

Foryst worked as editor and reporter from 1964 through 1973, when she became staff assistant to the Secretary of the Treasury. In 1976, she became Deputy Director of Public Affairs at the Interior Department, and in 1977 she formed Foryst Public Relations Associates.

Gilson holds a B.A. from Claremont (CA) Men's College and an M.A. from the School of Advanced International Studies at The Johns Hopkins University. He worked for Common Cause from 1970 until 1972 when he became Public Affairs Advisor to Mobil Oil's International Division. In 1974 he joined the Advisory Commission on Intergovernmental Relations as Director of Policy Implementation, and since 1977 he has been Associate Assistant to President Carter.

Thomas P. Hackney, who has been in charge of Amtrak's equipment maintenance, is Amtrak's new Group Vice President—Operations and Maintenance. Hackney, who came to Amtrak in February 1979 from the Chessie System, will have three vice presidents reporting to him. They are Robert A. Herman, vice president—operations; Robert F. Lawson, vice president/chief engineer (including Northeast Corridor Improvement Project); and Frank D. Abate, vice president/chief mechanical officer. Of the three, only Abate's is a new department. He moves up to fill the job vacated by Hackney. The new group vice president is a veteran railroader who made his reputation in the maintenance of equipment. Hackney's major assignment during his few months at Amtrak has been to strengthen the equipment maintenance function and get better reliability out of Amtrak's mixed fleet of locomotives and cars.

Hackney's new responsibilities also will include contract administration, safety, security, materials management, operations management and quality control.

A group vice president for Finance and Administration is still to be named. However, three of Amtrak's current vice presidents will report to this new position when it is filled. They are George F. Daniels, vice president—labor relations and personnel; Robert W. Hyer, vice president—computer services; and Don R. Brazier, vice president—finance and treasurer.

William S. Norman will replace Al Michaud as Vice President—Marketing. Michaud is now Conrail's Vice President—Sales. Norman has worked for Cummins Engine Co. since 1973, most recently as Vice President—Eastern Division in Columbus, IN. He holds a B.S. from Wesleyan College in West Virginia, and an M.A. from American University, and he worked for the Navy Department in Washington from 1962 until 1973.

All of the appointments approved by Amtrak's Board are effective on Oct. 1, except for Norman and Gilson who will assume their duties no later than Nov. 1.

Norman, the new marketing vice president, will report directly to Amtrak President Boyd. Other senior Amtrak officials reporting directly to Boyd under the reorganization besides the new group vice presidents are Vice President—General Counsel Paul F. Mickey, Jr., Vice President—Corporate Planning William N. Daly and Corporate Secretary Elyse G. Wander.

THE LEGAL ATTACKS

As September drew to a close, Amtrak found itself besieged with law suits from around the country aimed at blocking the Oct. 1 discontinuance of seven passenger trains. The law suits, which involved federal district courts, federal appeals courts, and even the U.S. Supreme Court, were initiated or cosponsored by a multitude of plaintiffs, including the States of California, Texas, Arkansas, Kansas, Alabama, and Minnesota; the Cities of Dayton, Indianapolis, Nashville, and Birmingham; U.S. Reps. Pat Williams (D-MT) and Tony Hall (D-OH); the United Transportation Union; and the National Association of Railroad Passengers. All of the suits charged that the train discontinuances would violate one or more of the following federal laws: the National Environmental Policy Act, the Clean Air Act, the National Historic Preservation Act, and the Amtrak laws. Due to court orders, only three trains died as scheduled on Oct. 1—"Champion," "National Ltd.," and "Hilltopper."

On Sept. 26, Judge Louis Oberdorfer of the U.S. District Court, District of Columbia, rejected a request by the City of Dayton and Rep. Hall for a temporary restraining order requiring Amtrak to continue operating the "National". Dayton and Rep. Hall then appealed to the U.S. Court of Appeals in the District of Columbia, which, on Sept. 28, overturned the district court ruling and issued a temporary restraining order to keep the "National" operating. Amtrak appealed this directly to Supreme Court Chief Justice Warren Burger. On Sept. 30, Burger vacated (dissolved) the restraining order.

Dayton and Hall also sought a writ of mandamus which would force the U.S. Attorney General to prosecute Amtrak for failure to comply with the ridership loss criteria in the Amtrak Reorganization Act of 1979. The Justice Dept. representative insisted he could not consider such action until after the new Act became law, and promised to report back to Oberdorfer by Oct. 10.

Meanwhile, on Sept. 27, the States of Kansas and Minnesota and the metropolitan government of Nashville/Davidson County, TN, asked Judge Frank Theis of the U.S. District Court in Wichita to issue a temporary restraining order requiring Amtrak to continue operating the "Lone Star", "North Coast Hiawatha", and "Floridian". The plaintiffs in this suit argued that the train discontinuances would violate the National Environmental Policy Act, since DOT and Amtrak had never prepared an Environmental Impact Statement for the proposed action.

Judge Theis granted a 10-day restraining order, and the three trains survived their scheduled October 1 execution. On Oct. 4, Theis lifted the restraining order, after finding that President Carter had removed the basis for the Kansas action by signing the Amtrak Reorganization Act of 1979 into law on Sept. 29. The State of Kansas then requested a preliminary injunction, but Theis denied the motion and informed Amtrak that it could terminate the trains after 6 p.m. on Oct. 5.

Kansas appealed this ruling and, before Amtrak could discontinue the trains, the U.S. Court of Appeals in Denver ruled in favor of Kansas, and ordered Amtrak to continue running the three trains until the court could hear arguments in the case on Oct. 26. However, Amtrak then appealed to Supreme Court Justice Byron White who, on Monday morning, October 8, vacated the appellate court's order, and thus freed Amtrak to discontinue the three trains. Like Chief Justice Burger, Justice White gave no explanation for his action. Word of White's decision reached Chicago Union Station approximately 40 minutes before the scheduled 11:30 A.M. departure of Train #17,

Most regular Amtrak fares and accommodation charges will rise 7% on Oct. 28. Some commuter tickets and budget sleeper charges will be exempted, and some new excursion fare discounts will be available Oct. 28-May 22, with round-trip discounts ranging from 15 to 30% off one-way fares. The discounts will be applicable for travel in sleepers but not for accommodation charges.

the Seattle-bound "North Coast Hiawatha," and it never left the station. "Lone Star" and "Floridian" trains already en route at the time of White's decision were allowed to complete their runs. The decision leaves the State of Oklahoma without rail passenger service for the first time since being admitted to the Union, and the Louisville & Nashville Railroad without a passenger train for the first time in 121 years.

White merely vacated the restraining order, but the Denver court will go ahead on Oct. 26 with a hearing on the Kansas request for an injunction which might result in forcing restoration of the service.

On Sept. 27, NARP, the City of Birmingham, the State of Alabama, and the United Transportation Union, filed suit against Amtrak in the Federal District Court in Birmingham but that suit is presently in a "holding pattern." The States of Texas and Arkansas have filed suit against Amtrak in U.S. District Court, Laredo, but there has been no action yet.