



NATIONAL ASSOCIATION OF RAILROAD PASSENGERS

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RETURN REQUESTED

NARP Pushes Amtrak Capital

Senate Commerce Readies Amtrak Authorization

"We are especially eager to see Amtrak get the new Viewliner cars to replace its old Heritage cars on eastern long-distance trains. The Heritage cars will be kept on standby to be used during peak periods of the year. They can be used forever on that limited basis, enhancing Amtrak's economics in terms of its ability to enlarge the fleet at a relatively low cost during peak periods.

"Former Federal Railroad Administrator John Riley said Viewliners would give Amtrak the same 50% maintenance cost reduction that Amtrak realized when Superliners were introduced out West."

—NARP's Ross Capon, April 6, before a Senate Commerce subcommittee

NARP's Ross Capon, one of only 4 witnesses who testified at a Senate Commerce subcommittee hearing on S. 462, a 4-year Amtrak authorization bill, emphasized Amtrak's need for capital investment. The other witnesses were Amtrak Pres. W. Graham Claytor Jr., Federal Railroad Admin. General Counsel Mark Lindsey, and James J. Kennedy Jr., executive secretary and treasurer of the Railway Labor Executives' Assn.

The Apr. 6 hearing before the Subcommittee on Surface Transportation opened with a strong pro-Amtrak statement by Chairman J. James Exon (D-NE). He said rail passenger service "is a fundamental part of our nation's transportation system. It is also an important transportation system for my home state of Nebraska, stopping in Omaha, Hastings, Holdrege, and McCook. . . .

"I was especially pleased that the ranking member of this subcommittee, Senator Kasten (R-WI), and 13 of my colleagues from around the country joined me as original co-sponsors of this legislation. . . . Support for Amtrak's capital priorities is essential if Amtrak is to improve its service and economic efficiencies in the coming years. . . ."

Freshman Sen. Conrad Burns (R-MT) also strongly supported Amtrak. He said Montanans wanted even more Amtrak service and asked if Claytor foresaw Amtrak's even-

TRANSPORT FARES SENDING THE WRONG MESSAGE!

"As Mr. Claytor recently told *The Journal of Commerce*, since 1981 Amtrak fares rose an average 48% while airfares fell 6% and gasoline prices declined 30%. . . .

"If we have airport and highway congestion, why are rail fares so high? The short-term answer is that Amtrak does not have enough equipment. But it is a lot easier to put more cars on existing tracks than it is to build new airports. I hope that the different pricing structures of the different modes eventually will reflect that. . . .



"We strongly support Amtrak's suggestion that the Highway Trust Fund eventually be used to fund Amtrak. Ideally we would like to see a consolidated transportation trust fund that commingles all transportation user revenues. Such a fund should be used in part to fund Amtrak and to support state railroad projects.

"Mode-specific highway and air trust funds simply insure that we invest heavily in already-dominant modes of transportation even where rail could do the job better. The nation as a whole and the traveling public in particular suffer as a result."

—NARP's Ross Capon, before Senate Commerce subcomm.

tual expansion; Claytor replied affirmatively. Burns' only negative words were for some Amtrak on-board employees whose work he held in low esteem.

Claytor spoke in favor of S. 462, Exon's "clean" authorization consisting only of dollar amounts [\$630 mill., \$656 mill., \$684 mill., and \$712 mill. for fiscal years 1989-92, respectively] that Claytor said "would provide the minimum capital we need during the next several years to make a start on acquiring new rolling stock and improving some of our most obsolete maintenance facilities."

Claytor said enactment of \$50 million in federal funding for Viewliners would enable him to raise an equal amount of Viewliner funding in the private sector.  

Lindsey's testimony reflected the Bush Administration's "kinder, gentler" approach. His tone was upbeat but he urged loading S. 462 with provisions that would cut Amtrak's costs but insure the bill's defeat. He said the administration would oppose S. 462 absent these provisions.

- FRA wants states to pay 100% of section 403(b) train costs. Claytor "fully supported" this objective but said doing it overnight would kill the trains. Capon opposed doing it at all, saying the idea worsens the biggest problem with federal transportation policy: lack of federal matching funds for state rail projects. (Amtrak's share of 403(b) costs is in effect the federal share.)

- FRA wants to make Northeast Corridor (NEC) commuter agencies pay the fully avoidable costs of using Amtrak-owned tracks, saving Amtrak \$30 mill. a year. Capon said this should be examined "in the context of 8 years of Reagan Administration savaging of the federal mass transit budget, which also has an impact on these agencies." He said the environmental costs of auto commuting makes vital every incentive to get people out of their cars. With NEC transit agencies already making big fare increases this year, Capon said he was "reluctant to endorse a proposal that has the effect of coming at the commuter agencies from another direction at the same time that the administration is pushing another irresponsible mass transit budget proposal."

[Capon admitted "there are probably a lot of NARP members outside the NEC" that would favor the move and that "it is not very tidy" for Amtrak to cross-subsidize commuters. Note, however, that the agency proposing the move has yet to favor spending one penny on Amtrak in recent years and would use commuter-related savings for deficit reduction, not Amtrak.]

- Treat Amtrak as a publicly funded carrier under the Railroad Unemployment Insurance Act. Until enactment of the commuter-railroad exception last year, all railroads were charged a single rate, so passenger carriers with stable employment rates were cross-subsidizing freight railroads with declining employment. This change—endorsed even by Pres. Reagan's Office of Management and Budget!—could save Amtrak \$16 mill. over 2 years.

- Prohibit the award of punitive damages by a court or jury against Amtrak or commuter rail authorities. This would not change plaintiffs' ability to recover special damages (i.e., those supported by specific bills such as from doctors and hospitals) and general damages to reflect pain and suffering, especially important where permanent injuries occur. Punitive

LATE FLASH! Senate Commerce on Apr. 18 approved the Amtrak authorization, adopting the unemployment amendment by voice vote and the punitive damages amendment 8-7. Amtrak's FELA proposal was defeated on a tie vote.

damages, in contrast, are intended to "make an example" out of the defendant; Claytor said "recovery of punitive damages against the U.S. is prohibited under the Federal Tort Claims Act and in some states is prohibited against publicly funded commuter authorities." It is hoped that enactment of this would remove the last-remaining roadblock to establishing Northern Virginia commuter rail service—Conrail's opposition.

- Exempt Amtrak from FELA—the Federal Employers' Liability Act (NARP News, July 1988, page 3), on a 3-year trial basis during which state no-fault workers' compensation programs would apply. Claytor believes this law, which applies only to rail employees, is "the greatest impediment to

GIVE AMTRAK A TRUST FUND PENNY!

"Amtrak strongly supports using a portion of any new gasoline taxes to fund mass transit programs and Amtrak. . . . Increased use of Amtrak and mass transit will ease the pressure to build new roads and the ground transportation networks necessary to support new airports. Moreover, the cost of rail facilities is dwarfed by the enormous expense of new highway construction. . . ."

"A penny a gallon from gasoline tax revenues, used to fund Amtrak, would have numerous other advantages and is supported by a number of transportation and environmental organizations. While Amtrak still would be required to justify its operating and capital budgets to this Committee and to the Congress, a dedicated funding source would ensure availability of the resources needed by Amtrak to operate its system and to purchase equipment. This would enable Amtrak to engage in meaningful long-term planning not now feasible. . . . In addition, a dedicated funding source for Amtrak would give non-federal financial institutions more confidence in the long-term future of Amtrak and encourage them to finance capital and rolling stock programs."

"Although this Committee does not have direct jurisdiction over use of gasoline tax revenues for Amtrak, your support on this issue is critical and I look forward to discussing this issue with the Committee in more detail in the future."

—Amtrak Pres. W. Graham Claytor Jr.
before the Senate Commerce subcomm.

enhanced work-place safety. . . . An employee must sue his employer in court to recover any [injury-related] benefits, unless the parties can reach a settlement. . . . Incredibly, if the employee was at fault, he or she may recover *nothing* for the injury. This requirement to determine fault creates an extremely adversarial relationship. . . and dramatically increases the legal fees associated with the claim, both on the part of Amtrak and the employee." Claytor said "the FELA plaintiffs' trial bar have funded the opposition" to ending FELA.

To emphasize FELA's shortcomings, Claytor said all 16 on-board service employees filed FELA claims after a low-speed December 1988 "California Zephyr" derailment in which there were no passenger injuries.

Kennedy said labor opposes the change partly because "many state workers' compensation programs have significant problems and they are all different. . . . We think we have got a system with FELA that works."

NARP, Amtrak, and FRA all supported the last 3 changes. Amtrak did not repeat its previous proposal to exit Railroad Retirement; Amtrak's 1989 Legislative Report notes that a study commission "is expected to report to Congress in 1990 on ways to ensure that the pension expectations of railroad workers are protected. . . . Amtrak has decided to postpone its request pending completion of the commission's study and report."

The Report also urged exempting Amtrak from secondary boycotts. Capon, in his testimony, suggested a possible compromise between the Amtrak and labor positions: end "intermodal" secondary boycotts so that, for example, the next time a labor dispute envelopes Eastern or any other airline, rail passengers would be assured their service would not be threatened by airline worker picket lines.

Passage of S. 462 would be a useful signal that Amtrak is

here to stay—useful especially in Amtrak's efforts to get more private capital. Of course, the actual funding Amtrak gets remains dependent on the appropriations process and the ability of sympathetic Congressional committees—in the face of continued White House opposition to Amtrak funding—to “make Amtrak whole” by squeezing other programs, a magical process unlikely to continue for another 8 years as it did under President Reagan.

Secretary Skinner's latest slap at Amtrak came when he commented that he would find the money to pay for cleaning up the Alaskan oil spill, even if it meant taking funds from Amtrak. He apparently is oblivious to the absurdity of paying for the results of our voracious appetite for oil by sacking a program that helps reduce U.S. oil demand! ■

SKINNER: UNAWARE OF RAIL'S POTENTIAL?

“Though [Transportation Sec. Samuel Skinner] received 2 standing ovations, a big question lingers: Does he really understand where railroads fit in?”

“Mr. Skinner's remarks, both prepared and unprepared [to a Railway Supply Association luncheon in Chicago], left the impression that he sees transportation largely in terms of airplanes. . . . [His many] air references sparkled in comparison with his comments on railroads. . . .

“It would have been more encouraging to hear some praise for railroads as more than possible reborn players in national defense. . . . An audience of railroaders and suppliers might have liked to hear the transportation secretary cite what's happened on track—without the massive amount of federal aid needed for construction and maintenance of air and highway systems. A few words recognizing what railroads have accomplished, given half a chance, would have been welcome.

“A few words about what the rail mode can accomplish as an efficient alternative to congested highways—and airways—would have been wonderful. . . . As former head of Chicago's Regional Transportation Authority and patron of its Metra system, [Skinner] could have at least acknowledged passenger railroading's role in alleviating urban congestion and pollution. . . .

“Railroaders can't afford to take Mr. Skinner for granted. This is the chief designer of a new national policy for transportation. He must be shown the rail potential for a major, not a secondary, role.”

—Frank Malone, Editor, in *Progressive Railroading*, Mar.

Barry Williams Leaves NARP For Greener Pastures (Literally!)

Barrett M. (Barry) Williams left the NARP staff Mar. 31, after serving as our assistant director for over 10 years, a longer tenure than any of his predecessors. He will return to his “first love”—the field of botany and landscaping.

Barry, 33, joined the association's staff on Feb. 26, 1979, and immediately went to battle against President Carter's plan to abandon nearly half of Amtrak's route structure. Subsequent years proved to be even more “action-packed,” with repeated attempts by President Reagan to abolish Amtrak altogether.

“This job has never been boring!” says Barry. “The past decade was probably the most difficult and challenging our cause will ever face, and I'm glad to have been in a position where I could help.

“During my years here, I've seen over 550 NARP Hotlines, 110 NARP newsletters, 20 NARP Board meetings, 10 federal budget cycles, 6 Congresses, 4 NARP membership directors, 3 U.S. presidents, 2 Amtrak presidents, 2 NARP presidents, and 2 NARP headquarters. And, you know, despite all that, it was a fast 10 years!

“Looking back over the past decade, the low points for me were the loss of the 5 major trains in 1979 and the ‘Colonial’ tragedy in 1987. The high points were taking on Reagan and Stockman and winning, Amtrak's greatly improved fortunes under Graham Claytor, the rebirth of light-rail transit and Washington Union Station, and NARP's emergence as a credible and respected Capitol Hill player under Orren Beaty, Jack Martin and Ross Capon.

“There are many things I will miss when I leave, among them, the many friends I've made throughout the country. But rest assured that I will continue to ride—and fight for—Amtrak's passenger trains.”

Those of us who were privileged to work with Barry will always remember the sunshine and enthusiasm he brought to his work and are happy that he plans to remain in Washington to pursue his new calling. ■



TRAVELERS' ADVISORY

GOOD NEWS! “Montrealer” may resume operation in mid-June via New London, CT, and Palmer, MA, switching to the original Hartford/Springfield route in the fall if Massachusetts provides its share of funds to repair Guilford's Springfield-East Northfield line. Added Chicago-Milwaukee service funded by the State of Wisconsin is possible as early as Sep. 17. A 3rd “San Joaquin”—midday schedule in both directions—is expected to begin in Oct. after the California Transportation Commission on Mar. 24 approved \$8.7 million in capital funds that will enable Amtrak to assign new Bombardier cars to the service. (Eventually Bombardier cars will replace Superliners on the other “San Joaquins.”)

More info re Mar. 15 fare changes (see last month's Advisory for current and future All Aboard America Fares): there's now a Chicago-Indianapolis \$7 return round-trip, but Central zone All Aboard tickets no longer include this route, and Eastern zone AA tickets no longer include the Chicago-Milwaukee route; many long-distance one-way and round-trip fares decreased; Chicago-area round-trip excursion fares formerly not valid on many peak travel days are no longer so restricted.

Greenville, SC, has new Amtrak station, which opened in mid-Dec. within new \$750,000 Southern Ry. office building. New station, funded by SR, is next to old depot, which was razed. Also razed: the platform canopy, despite NARP appeals to the railroad.

Scott Leonard Joins NARP Staff

Scott Leonard is the new assistant director of the National Association of Railroad Passengers. A native of Mukwonago, Wisconsin, and member of NARP since 1984, Scott co-founded and served as first president of ProRail, the Madison chapter of the Wisconsin Association of Railroad Passengers.

Scott received his B.A. with honors from the University of Wisconsin (economics and international relations) in 1984 and since then has worked for the American Red Cross in Wisconsin and in the Washington, DC, area. As a blood services representative, donor groups with which he worked included Amtrak, the House and Senate, and the Departments of Transportation, Defense, State, Interior, and Agriculture. Now, he will see if it's easier to get trains than to get blood from some of these people!



—Bombardier Photo © Scott McKiernan
NARP Asst. Dir. Scott Leonard chats with Sen. Patrick J. Leahy (D-VT) at Apr. 11 Washington open house aboard an Amtrak "Horizon" coach, the first of 100 to be built in Barre, VT, by Bombardier.

Scott's most "memorable" railroading experience was last August, when he worked the 20th Century Railroad Club's steam excursion over the Wisconsin Central. He stayed awake 70 hours, loading air-conditioned coaches with block ice by night and serving soft drinks by day. ■

Clean Air Act Must Include Strong VMT Reduction Measures!

Congress is working with renewed vigor on a Clean Air Act reauthorization bill. Sen. Max Baucus (D-MT), who will sponsor the Senate's clean air bill, announced that comprehensive non-attainment provisions will be introduced in early May, acid rain provisions in early June, and a total clean air bill by the July 4th recess.

Please urge your legislators to support strong provisions that mandate VMT reductions (vehicle-miles-traveled), increased use of mass transit, and increased recognition of the need for transit-oriented land-use planning. Too often the focus is simply on stricter auto tailpipe controls.

Auto travel has been growing at 3.5% annually; even if this drops to 3%, VMT will increase by 63% by the year 2010! EPA projects that, after 1995, emission reductions from replacing older, more polluting autos will cease and total mobile-source emissions of the 4 major urban pollutants will increase again for the first time in 20 years.

Denver's widely-heralded oxygenated fuels program, which cut emissions per VMT 9%, saved the equivalent of just 2 years' VMT growth! Auto dependence is growing rapidly; any serious clean air effort must confront this head-on. ■

Carmichael is Bush's Choice for Federal Railroad Administrator

Gilbert (Gil) E. Carmichael, 61, Federal Railroad Administrator-designate, is a native of Meridian, Mississippi, who has been an automobile distributor for



GILBERT E. CARMICHAEL
Federal Railroad Administrator-designate

Chrysler, Mercedes Benz, Volkswagen and Mazda, and a real estate developer in Mississippi and Alabama.

He rides Amtrak whenever possible, at one point using Amtrak's "Crescent" almost daily to travel between his businesses in Meridian and Tuscaloosa. He recently rode Amtrak from Meridian to Washington.

He was appointed by President Ford in 1976 to serve as a Federal Commissioner for the National Transportation Policy Study Commission, and served as Chairman of its Subcommittee on Advanced Technology.

From 1973-76, he served on the Department of Transportation National Highway Safety Advisory Committee and was Chairman from 1975-76.

In 1971, he wrote the program for the Motor Vehicle

Commission Act for the state of Mississippi which was adopted by 19 states.

He was a leader in advocating the creation of the regional Gulf & Mississippi Railroad, a member of the Gulf & Mississippi Railroad Advisory Committee, and advocated the merging of the Gulf & Mississippi with the Mid-South Railroad in 1988.

Since 1985, he has served on the Sunbelt Rail Commission as Chairman of its Ad-hoc Task Force Railroad Passenger Project, which promoted the Meridian-Ft. Worth train Amtrak had hoped to run (see NARP News, 9/87).

Carmichael holds a Bachelor of Science degree in business from Texas A & M University. He is a Fellow of the Institute of Politics, Kennedy School of Government, Harvard University, and has served since 1980 as a Trustee of the Robert A. Taft Institute of Government.

Carmichael served in the United States Coast Guard during World War II and the Korean War. In 1952, he received the Silver Lifesaving Medal for rescue in the North Atlantic.

He was the 1971 recipient of the *Time* Magazine Award for Quality Dealer of the year.

Carmichael has been active in community, political and state affairs serving as Chairman of the Board of St. Joseph Hospital in Meridian from 1969-78. He was appointed by Presidents Ford and Reagan to serve on the Mississippi Advisory Committee to the Civil Rights Commission.

He is married to the former Carolyn Dean White and is the father of one son, Scott. ■