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Focus on Regulators

STB May Decide Whether Amtrak Survives; FERC to Decide Size of Amtrak Electric Bills

Federal regulators hold keys to two big parts of Amtrak's business plan. Prospects for reducing the \$40 million a year Amtrak pays for electricity in the Northeast depend on a favorable ruling by the Federal Energy Regulatory Commission (FERC). This is because of the December refusal by the Pennsylvania-New Jersey-Maryland Interconnection (PJM), a regional power pool, to open its system and let Houston-based Enron Corporation sell power directly to Amtrak.

Separately, the Surface Transportation Board (STB) is deciding whether to let Union Pacific kill Amtrak's express initiative (Apr., Sept. '97 News). **As NARP's STB filing put it, "This proceeding likely will determine whether the long-distance train survives in this country [and] may also determine whether intercity passenger rail in general survives...Amtrak is the only entity with—or likely to get—the statutory right to operate over freight railroad tracks and to do so on reasonable financial terms."**

An STB decision seems likely at least by June. While a decision unsatisfactory to UP might provoke a court appeal, UP is unlikely to get an injunction barring implementation of an STB order, and unlikely at the end of the day to get an order overturned. Many potential Amtrak express customers are waiting for the STB's decision. Once it comes, hesitant shippers Amtrak could serve under such an order likely then would sign up as Amtrak customers.

Amtrak Seeks Competitive Electric Rates

Amtrak spends about \$40 million a year on electricity for the Northeast Corridor, selling almost half of that power to commuter railroads. "That, and the fact that Amtrak moves electricity along its own extensive transmission system, should qualify it as a wholesale customer eligible for network service on PJM, said Amy Linden, [Amtrak's] vice president for planning, policy and development for the Northeast Corridor, in New York" (*Journal of Commerce*, Jan. 5).

Clearly, a corporation like Amtrak—expected to become operating-subsidy free in five years—should not have to buy electricity mostly at captive (i.e., noncompetitive) rates. A favorable FERC decision could cut Amtrak's own electric train propulsion costs by one third initially, later by one half.

Express Initiative

Amtrak long has grown its mail revenues aggressively because of the ease and efficiency of doing business with a single, high-volume customer, the Postal Service. Amtrak's mail revenues grew 427% from \$13 million in 1984 to \$69 million last year, while its smaller express revenues—primarily from small customers and with minimal promotion—fell.

Now that Amtrak recognizes larger express shipments as the big missing link in its revenue development, Union Pacific wants the STB to force Amtrak out of the carload express business. Despite Amtrak's insistence that it wants business partnerships with the freight railroads and will not take traffic currently going by freight railroad even part of the way, Union Pacific told the STB that Amtrak must:

- "be required to carry express only on trains that...have at least as many bona fide passenger cars...as cars carrying 'mail and express' shipments;
- "not be permitted to carry express shipments that involve rail movements prior or subsequent to their attachment to passenger trains; and
- "be required to limit its 'express' traffic to packages and other less-than-truckload shipments, with a maximum weight of 8,000 pounds, for which Amtrak must offer a station-to-station or door-to-door service, rather than merely contracting to provide train space to third-party carriers such as United Parcel Service or Less-Than-Truckload trucking companies."

Here is a partial list of those submitting pro-Amtrak filings to the STB, besides NARP: Senators Kay Bailey Hutchison (R-TX), John Kerry (D-MA) and Ron Wyden (D-OR); the Washington Association of Railroad Passengers; the U.S., Idaho, Oregon and Texas Departments of Transportation; the Ohio Rail Development Commission and the Toledo-Lucas County Port Authority; the mayors of Longview, Marshall and Mineola, TX, and of Little Rock, AR; and Texas State Rep. Tommy Merritt and Gregg County (TX) Judge Mickey D. Smith.

Most major freight railroads sided with Union Pacific, with Burlington Northern Santa Fe, Conrail, Illinois Central and the Association of American Railroads filing statements.

Statements are available from NARP (handling charge, \$2 per statement). Our "excerpts from statements pro and con" is free and on our web site. ■

NARP, SENATORS ATTACK CLINTON PLAN

In letters of January 12 and 15, respectively, NARP and seven U.S. senators wrote to President Clinton, responding to signs that his forthcoming Fiscal 1999 Budget Request is inconsistent with the labor agreement DOT Secretary/Amtrak board member Slater "facilitated" in November. Two of that agreement's "contingencies" are to enact \$84 million in 1999 operating assistance to make up for prior years' underfunding, and to reverse language in the 1998 appropriations law that reduced Amtrak's Taxpayer Relief Act funding by \$199 million—what appropriators "provided" for general capital. NARP asked that the forthcoming supplemental appropriation fix the latter problem.

Wheels of Progress

Here is our annual list of major rail passenger improvements planned to enter service and the dates of planned openings (if available). Dates and projects subject to change. *NARP News* regularly reports actual start-up dates.

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- **Jan. 26**—Amtrak West extends one *Capitol* round-trip from Roseville (CA) to Rocklin, Auburn, and Colfax (if weather permits platform work).
- **Feb. 6**—New *Texas Eagle* frequency runs Chicago-San Antonio-Los Angeles (eastbound starts Feb. 9), made possible by more express. New trips are Fridays from Chicago, Thursdays from Los Angeles. This is the first through service (beyond San Antonio) since May 1997, and the most service in El Paso and Tucson since 1970 (before Amtrak).
- **Feb.**—Amtrak's *Sunset Limited* begins stopping at a new station at Maricopa, AZ (for Phoenix).
- **Feb.**—Restoration work is complete at the historic Greensburg, PA Amtrak station.
- **Mar.**—New *San Diegan* stop at Goleta.
- **Mar.**—Altamont Commuter Express trains, two daily round-trips Stockton (ex-SP station)-San Jose (Amtrak/Caltrain station), 85 mi. (Sept. '94 *News*; also see Aug., next column).
- **Spring**—Jacksonville Skyway extension Hemming Plaza to FCCJ (a college and central stop for local bus routes).
- **Apr.**—Fourth Seattle-Portland Amtrak trip, made possible by running the leased Talgo trains faster through curves.
- **Apr.**—Extension of Cape May Seashore Lines Cold Spring-downtown Cape May (2 mi.). The 10-mile Cold Spring-Cape May Courthouse segment opened in May 1996 with diesel

FRA ISSUES COMPLETE HIGH-SPEED REPORT

The Federal Railroad Administration in December released a "comprehensive Main Report" of over 200 pages on the commercial feasibility of high-speed ground transportation. In effect, this is the detailed report, and the August 1996 initial "Overview Report" (Sept. '96 *News*) was an executive summary. The commercial feasibility report was required under Section 1036 of the 1991 ISTEA law.

The Main Report (which includes the 1996 overview) reviews options (different speeds) for corridors already identified in the ISTEA process, plus Texas, New York State and the Northeast (NEC). It concludes that each corridor has at least one top-speed option that provides a positive total benefit-to-cost ratio. It says: "Benefits to the public at large consistently exceed public costs only for" the incremental 90- and 110-mph options, though TGV-like options still may be justified by environmental or mobility concerns. The report details benefits of "extending" the NEC to Richmond and Charlotte and, overall, points to an achievable vision of a highly competent service in corridors nationwide. NARP called for inclusion of the incremental options at an FRA hearing in 1995.

For a copy of the report write to Bonnie Nyswaner, FRA, 400-7th St., SW, Mail Stop 20, Washington, DC 20590.

cars as shuttle, and has been a success on this auto-choked resort peninsula. Information: 609/884-2675.

- **May 9**—Completion of \$2.3-million restoration project at Tampa Union Station, using ISTEA, state and local funds.
- **July 25**—Washington Metro Wheaton-Glenmont (Red Line, 3.2 mi.).
- **Summer**—Regular 110-mph Amtrak service on about one-third of the Chicago-Detroit line in southwest Michigan, with completion of experimental positive train control signal system installation (Sept. '96 *News*). This will be the fastest regular speed outside the Northeast.
- **Summer**—Amtrak West opens new *San Diegan* stops at Surf and Guadalupe, CA.
- **Aug.**—Amtrak starts fifth daily *San Joaquin* frequency, this one running Sacramento-Stockton (ex-SP station, shared with Altamont commuter trains)-Bakersfield. It may be timed to connect with the *Coast Starlight* at Sacramento. The existing four frequencies run Oakland-Stockton (ex-Santa Fe station)-Bakersfield. The Stockton stations are 1-1/2 miles apart.
- **Sept.**—Portland MAX West Side light rail line from downtown (Kings Hill/Salmon) to Beaverton and Hillsboro (18 mi.).
- **Sept.**—Sacramento Regional Transit light rail extension Butterfield-Mather Field Rd. (2.3 mi.).
- **Oct.**—Boston-Portland Amtrak service, four times a day, funded by State of Maine. Supplementary bus round trips planned as well, with interchangeable tickets. This service has been delayed many times, and is now contingent on a favorable Surface Transportation Board ruling on track access. A season of track work is needed after such a ruling.
- **Oct.**—Amtrak West increases *Capitols* daily round trips from four to six.
- **Oct.**—Vermont Agency of Transportation commuter rail, Burlington-Charlotte, 20 mi.
- **Oct.**—Amtrak moves into new Syracuse intermodal terminal (opened for local and intercity buses and airport limousine in July). Replaces remote facility built on New York Central bypass in 1962, when downtown right-of-way was abandoned to make way for a road. ONTrack (local commuter rail shuttle) may move in later, if a connecting bridge can be built.
- **Fall**—Completion of intermodal terminal project at Memphis Central Station.
- **Fall**—MBTA commuter rail extension Ipswich-Newburyport (10 mi.); last service ended 1976.
- **Fall**—Jacksonville Skyway branch across St. Johns River to San Marco.
- **Late**—Delivery of three new, custom-built, Talgo tilt-train sets to be used in the Cascadia Corridor (Eugene-Portland-Seattle-Vancouver), on a revamped "Cascade Service." Two will be owned by the State of Washington, one by Amtrak West. They will replace the two sets on loan now. Also, three new F59 locomotives will be delivered to pull the Talgos.
- **Late**—Metro-North commuter rail extension Dover Plains-Wassaic, NY, 4.4 mi.
- **Late**—Extend Tri-Rail commuter rail 2 miles to new terminus nearer Miami airport (site of future intermodal terminal).

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- **Jan.**—First American Flyer high-speed train delivered by Bombardier to Amtrak, for testing at Pueblo and on the Northeast Corridor.

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- **Early**—Los Angeles-Las Vegas Talgo train service, operated by Amtrak and Nevada DOT, with Nevada stops at State Line, Strip and Downtown Las Vegas.
- **Summer**—Completion of Amtrak's New Haven-Boston electrification project.
- **Oct.**—First American Flyer high-speed train set (see Jan.) put into regular Amtrak service. Remaining sets put into service over following 12 months.
- **Oct.**—Washington Metro U St.-Ft. Totten (Green Line; completes "initial" system but for one other Green Line segment).
- **Fall**—New stations at Route 128 (MA) and New London (CT). The New London site will be moved slightly to the east of the current, historic station, partly because the old station is on a curve that cannot accommodate the high-level platforms needed for high-speed rail service.
- **Late**—Tacoma-Seattle commuter rail.
- **Late**—Jacksonville Skyway extension San Marco-Flagler-

Dupont.

- **Sometime**—Amtrak's *Silver Meteor* rerouted between Jacksonville and West Palm Beach (FL) over the Florida East Coast line—the first passenger rail service to St. Augustine, Daytona Beach, Cocoa, Melbourne and Fort Pierce since 1968 (first through service from the Northeast since 1963). However, *Silver Star* becomes the only Orlando-Northeast train.
- **Sometime**—Phase I of Richmond (VA) Main St. Station intermodal terminal project. Amtrak's NortheastDirect Newport News trains begin calling there (they pass by now without stopping), in addition to Richmond Staples Mill.
- **Sometime**—Los Angeles Metro Red Line branch Wilshire & Vermont to Hollywood & Vine.
- **Sometime**—San Francisco Muni streetcar shuttle from Caltrain station is run through Embarcadero to another rail (Muni Metro) service.
- **Sometime**—Delivery of new, high-horse-power electric locomotives to Amtrak Northeast, partly to replace worn-out E60's. ■

What is Amtrak Labor Protection?

The "labor protection" provisions in federal law are famous for generating more heat than light in discussions about Amtrak. The provisions, especially as popularly exaggerated, have made Amtrak an easy target for some critics.

Effective May 31, 1998, however, the new Amtrak reauthorization law removes labor protection provisions from federal law and from any Amtrak labor contracts on the books prior to December 2, 1997 (the day the reauthorization became law). Until the end of May, management and labor must attempt to negotiate new contractual provisions. The parties may resort to "self-help" on May 31. [Our Oct., '97, newsletter, incorrectly said "labor protection comes out of federal law upon enactment" of the reauthorization.]

The Rail Passenger Service Act of 1970 requires "fair and equitable arrangements to protect the interests of employees affected by discontinuance of intercity passenger service," and required then-Labor Secretary James C. Hodgson to "certify" protective arrangements [appendices to the Act: C-1, for employees of railroads that transferred their passenger operations to Amtrak; and C-2, for employees of Amtrak].

Under C-2, certain employees are guaranteed monthly wage payments for as long as they have worked for Amtrak, up to six years, at their average wage during their last year of service (less any current earnings from non-Amtrak work).

There is a widespread belief that all employees whose positions have been abolished due to a route elimination ("trans-action") and who are unwilling to relocate can sit home and collect monthly C-2 payments. (A route is considered eliminated if service frequency drops below tri-weekly.) In fact, as a general rule, an employee whose job is so abolished must exercise seniority throughout a seniority district, the size of which can vary from one location up to hundreds of miles.

If an employee feels he or she is affected by a route elimination, he or she can file a claim application. If Amtrak (or an arbitration panel) determines this application is valid, one of three general outcomes usually follows:

1. The individual continues working for Amtrak, getting an earning supplement ("displacement allowance") if the only

WOMEN ON THE RAILROAD

The Women's Transportation Seminar (WTS) gave the Amtrak Northeast Corridor business unit (NEC) WTS's 1997 "Employer of the Year" award for the NEC's support and promotion of women in the work force. Women hold "half of the top positions," says the NEC, including the "only female chief engineer of any railroad in the world," Alison Conway-Smith.

Conway-Smith also was inducted into the YWCA's Academy of Women Achievers, an award for professional women, November 18.

available job pays less than his or her guarantee. The employee must take the highest rated job within what is generally called "30 miles" but which actually can be a much greater distance [see Oregon example, below]. If the employee must move over "30 miles" to protect his or her seniority, Amtrak may be liable for relocation expenses.

2. If there is no job in the entire system for which the employee is qualified and to which seniority entitles him or her, an employee is considered eligible for continued benefits and monthly C-2 payments (dismissal allowance). But Amtrak can require such a person to accept comparable employment (different craft in Amtrak) within "30 miles."

3. One entitled to dismissal allowance payments can get a separation allowance (formula-determined lump sum) instead.

There are some variations. For example, the "30-mile" calculation includes the employee's place of residence and work. When a Pendleton, OR, position was abolished, and the employee took a job 216 miles away at Portland, Amtrak did not pay relocation expenses because the employee already lived in Portland. He had been commuting to Pendleton.

Also, some unions reach understandings ("implementing agreements") which modify the conditions governing exercise of seniority; for example, some train crews must exercise seniority initially over a certain territory rather than the entire nation, but may later be subject to relocation anywhere

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TRAVELERS' ADVISORY

Amtrak Fares—Starting February 3, Amtrak will change its long-distance fare structure (to resemble that already used on the Northeast Corridor). There will no longer be round-trip excursion fares between two given points, but rather a series of one-way fares at various price levels, subject to yield management.

In other words, rather than book a round-trip ticket between two points, a passenger will book two one-way tickets. The tickets may carry two different fares, depending on how much space on each individual train happens to be sold at the time of booking.

Amtrak Intercity is offering free travel for any companion to a ticketed passenger on certain routes through February 28. They are Chicago to Detroit, Port Huron, Carbondale, Quincy and St. Louis, St. Louis-Kansas City, *Three Rivers*, *Pennsylvanian*, and *Texas Eagle* (including new Los Angeles frequency). *Lake Shore Limited* companions can travel half-fare. Reservations are required, companion must be on same ticket and same itinerary as ticket holder.

Amtrak West has a similar deal on California corridor trains and connecting buses—a companion travels free through March 15.

Air Rail—Members of United Airline's Mileage Plus

frequent user program can earn 1000 bonus miles for the rail portion of an Air Rail trip (the joint Amtrak-United travel program).

Thruways—A weekend bus from Hudson (NY) to Hunter Mountain and Ski Windham in the Catskills started January 9, connecting with Empire trains 63, 257, 68, 288.

Transit—Portland (OR) MAX light rail was extended west to Civic Stadium and Kings Hill August 31.

Memphis Area Transit Authority's Riverfront Loop opened October 1, an expansion of the downtown streetcar shuttle opened in 1993.

New Orleans' Riverfront streetcar line reopened in mid-December. It was closed for ten months to switch from standard to broad gauge, and to build a non-revenue connection on Canal St. to the St. Charles line.

The Jacksonville Skyway reopened December 15 after a year-long retrofitting with a Bombardier monorail, with two former stations (Terminal, Jefferson) and a new one (Henning).

San Francisco Muni opened its E-Embarcadero light rail line January 10. It runs from the Caltrain commuter station (first local rail transit there in many years) to Embarcadero, where transfers can be made to other Muni rail lines, BART, and ferries.

Labor Protection

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in the nation. Some crafts (maintenance of equipment, for example) have point seniority, meaning they can collect C-2 payments if no job is available at their location.

These provisions confuse even the well-informed. The C-2 discussion in the report accompanying the 1997 House Amtrak reauthorization bill misstates the "30-mile" rule twice.

The report suggests that all employees get full wage and severance benefits after refusing to relocate over "30 miles." The report also says, "if the employee already lives 30 or more miles from his or her work location, any transfer (1 mile,

5 miles, etc.) can trigger the option to take labor protection benefits in lieu of the transfer."

In fact, the employee must be able to hold no job in the normal exercise of railroad seniority and "30 miles" is shorthand for a triangulation reflecting residence and new and old work locations—the number of miles can greatly exceed 30.

Finally, NARP erred by saying Amtrak shop workers get C-2 payments under federal law if their facility is closed (August *News*, page one). These employees get "C-2-like" benefits by contract, not law. The contract provides for such benefits when a shop is closed for over six months or when work is transferred across seniority district lines. ■



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