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SENATE RESOLUTION

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WHEREAS, The U.S. Congress created Amtrak under the Rail Passenger Service Act of 1970 (Public Law 91-158), and Amtrak began serving customers on May 1, 1971, taking over the operation of most intercity passenger trains in exchange for access to the national rail network; and

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WHEREAS, Congress passed the Amtrak Improvement Act of 1973 (Public Law 93-146), which gives intercity and commuter rail passenger transportation preference over freight transportation in using a rail line, junction, or crossing, a right codified as section 24308(c) of title 49, United States Code; and

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WHEREAS, U.S.C. Sec. 24308(c) of Title 49 states, "Except in an emergency, intercity and commuter rail passenger transportation provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the [Surface Transportation] Board orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Board for relief. If the Board, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the

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1 Board shall establish the rights of the carrier and Amtrak on
2 reasonable terms"; and

3 WHEREAS, Many host railroads have ignored the law by
4 refusing to give passenger rail the priority to which it is
5 statutorily entitled, resulting in poor and declining on-time
6 performance by Amtrak on most host railroads; according to
7 Amtrak during fiscal year 2019 alone, this caused 6.5 million
8 customers on state-supported and long-distance trains to
9 arrive at their destination late; and

10 WHEREAS, Amtrak's Office of Inspector General, in a 2019
11 report, showed poor on-time performance wastes taxpayer
12 dollars to the extent that a mere five percent improvement on
13 all Amtrak routes would result in \$12.1 million in cost savings
14 to Amtrak in the first year; if on-time performance on
15 long-distance routes reached 75 percent for a year, Amtrak
16 would realize an estimated \$41.9 million in operating cost
17 savings along with a one-time savings of \$336 million due to a
18 reduction in equipment replacement needs; and

19 WHEREAS, On-time passenger rail performance on host
20 railroads has historically been driven by the existence of an
21 effective means to enforce Amtrak's preference rights as shown
22 historically by:

23 (1) Enactment of the Passenger Rail Investment and

1 Improvement Act (PRIIA) of 2008 (division B of Public Law
2 110-432), which included provisions for the enforcement of
3 these preference rights:

4 (a) Two months afterward, the on-time performance
5 of long-distance trains improved from 56 percent to 77
6 percent, and Class I freight train interference delays
7 across all routes declined by 40 percent; and

8 (b) One year after enactment of PRIIA, freight
9 train interference delays had declined by 54 percent, and
10 the on-time performance of long-distance trains reached 85
11 percent; and

12 (2) Removal in 2014 of some of those provisions after
13 being ruled unconstitutional by a Washington, D.C.,
14 Circuit Court: long-distance train on-time performance
15 declined from 72 percent to 50 percent, and freight train
16 interference delays increased 59 percent; and

17 WHEREAS, As a result of violations of Amtrak's right to
18 preference, Amtrak has been consistently unable on host
19 railroad networks to meet its Congressionally-mandated mission
20 and goals and does not have an effective mechanism to enforce
21 its statutory preference right in order to fulfill its mission
22 and goals; and

23 WHEREAS, Only the United States Attorney General can bring
24 a civil action for equitable relief in a district court of the

1 United States to enforce Amtrak's preference rights but has
2 done so just once in Amtrak's entire history, against the
3 Southern Pacific Transportation Company in 1979; therefore, be
4 it

5 RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL
6 ASSEMBLY OF THE STATE OF ILLINOIS, that we support a strong
7 intercity passenger rail network and support the passage of
8 U.S. S.2922, the proposed "Rail Passenger Fairness Act",
9 providing Amtrak the ability to enforce its preference rights
10 by bringing a civil action before a federal district court (the
11 so-called "private right of action"); and be it further

12 RESOLVED, That we urge the Illinois Congressional
13 Delegation to support S.2922; and be it further

14 RESOLVED, That suitable copies of this resolution be
15 delivered to each member of the Illinois Congressional
16 Delegation.