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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  
14 savings 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 THIRD GENERAL  
6 ASSEMBLY OF THE STATE OF ILLINOIS, that we support a strong  
7 intercity passenger rail network and support the passage of  
8 legislation designed to provide Amtrak with the ability to  
9 enforce its preference rights, similar to the previously  
10 proposed "Rail Passenger Fairness Act", providing Amtrak the  
11 ability to enforce its preference rights by bringing a civil  
12 action before a federal district court (the so-called "private  
13 right of action"); and be it further

14 RESOLVED, That we urge the Illinois Congressional  
15 Delegation to support the passage of legislation designed to  
16 provide Amtrak the ability to enforce its preference rights;  
17 and be it further

18 RESOLVED, That suitable copies of this resolution be  
19 delivered to each member of the Illinois Congressional  
20 Delegation.