

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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STB EX PARTE NO. 671:  
RAIL CAPACITY AND INFRASTRUCTURE REQUIREMENTS

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COMMENTS OF  
THE SPRINGFIELD TERMINAL RAILWAY COMPANY

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The Springfield Terminal Railway Company (ST) respectfully submits the following comments in connection with the Rail Capacity and Infrastructure Requirements.

ST appreciates the time and energy the Board is investing to ensure the development and continuation of a sound rail transportation system. As fuel prices continue to rise and our nation's highways continue to be overburdened it is increasingly important that the rail system in the United States can handle the increased traffic and demands placed upon it. These increased demands require the federal government, private sector, and the general public commits to taking the steps necessary to ensure a safe, reliable, and economically healthy system exists both now and in the future.

The rail system in the United States is one this country's oldest forms of transportation. Thriving from the 1800's up through the middle of the 20<sup>th</sup> century, the railroad provided the fastest and most reliable means of transporting products and people to all corners of the country. The industry was heavily regulated and taxed but continued to prosper. As the highway era exploded in the 1940's and 50's the railroad industry faced increased turmoil and upheaval. Funds and attention quickly shifted from the maintenance of current railroad infrastructure to the rapidly network of highways and interstates. As the nation's highways grew at a seemingly exponential rate, the railroad industry was left to fend for itself.

Through the later half of the 20<sup>th</sup> century many railroads were unable to survive. Bankruptcies increased and many lines became abandoned. The attention of the federal government remained focused on the ever-expanding highway system along with the issues of airlines and waterway carriers. For many, railroads were seen as relics of the past that had little use in current society. Communities all over the country couldn't rip out the tracks quick enough, in the hopes of using the right of ways for "rail trails" and other projects. Capital improvements and key maintenance to the existing rail system were sporadic at best.

As the end of the 20<sup>th</sup> century neared, it became evident that our national highway system was reaching maximum capacity in many areas. Funds to build or expand the roadways

dried up as costs to maintain the existing roads continued to rise. As the highways continued to fill and congest, people began looking for other alternatives for their shipping and traveling needs. Commuter and Freight rail began seeing noticeable increases in their traffic and those increases will continue to grow. For the rail network in this country to handle the demands placed upon it, significant steps must be taken. Below are ST's thoughts and suggestions on what steps must be taken for railroads to continue meeting the needs of consumers.

## 1. INFRASTRUCTURE

- a. Improve undergrade bridges to accommodate 286 kip and 315 kip axle loadings.
- b. Improve overhead bridges and other clearance obstructions to accommodate 23-foot overhead clearance and 13-foot side clearance. Allowing trains to travel without worry of overhead or side clearance obstructions will increase the speed, safety, and efficiency of the railroad network.
- c. Reduce the number of Rail/Highway at-grade crossings (both public and private). A reduction in Rail/Highway crossings is necessary for the safety of both the general public and railroad employees. Eliminating points where interactions between railroad vehicles and passenger vehicles could occur will also increase the speed and efficiency of the railroad as trains will be able to sustain their speed over a great distance instead of constantly slowing down and speeding up.
- d. Provide railroads with greater access to Federal Highway grade crossing improvement monies. Having access to this money is key to allowing railroads to fix and improve deficient and/or unsafe rail crossings.
- e. Allow railroads an equal position at the regional, state, and local planning organization levels. This is especially important when developing the ISTEA Transit Improvements Plan. For railroads to be successful in the coming century, they must have an equal voice when it comes to transportation planning and policy. The needs and interests of railroads are unique and need to be understood by planning organizations before any changes are implemented. Ignoring these needs could cause unintended detrimental effects on both the rail carrier and their customers.

## 2. BURDENSOME FEDERAL REGULATIONS

- a. Railroads are currently subjected to and remain heavily burdened with federal regulations not levied upon the trucking and inland water carrier transportation industries. In addition to the last vestiges of economic regulation that still remains under the Interstate Commerce Act, railroads are subject to several industry-specific laws that must be modified,

modernized, or in some cases eliminated. The laws that must be reviewed include:

- i. The Federal Employers' Liability Act.
- ii. The Railroad Retirement Act.
- iii. Railroad Unemployment Insurance System.
- iv. Labor Protection for Railroad Employees such as the New York Dock Conditions.

### 3. COMPETITION WITH TRUCKING AND INLAND WATERWAY CARRIERS

#### a. Railroad ownership of right of ways.

- i. Because railroads own their right of way they must pay for infrastructure maintenance and capital upgrades out of revenues. Railroads are then required to pay again when local taxes are assessed on those investments.

#### b. Tax issues

- i. As stated in (a)(i) above, railroads are usually required to make capital improvements from their own monies. Such improvements are then taxed locally. This and other current tax policies heavily tilt the commercial playing field in favor of the trucking and water carrier transportation industries. Although truckers and barge operators pay some taxes, which cover some of the costs of maintaining and upgrading infrastructure, they do not cover all of the costs incurred by local, state, and federal governments. More so than almost any other commercial industry, the railroad must shoulder the burden of maintaining and upgrading their only means of travel. For the railroad industry to be successful in the future, the federal government must level the playing field between the industries.

### 4. COMMUTER RAIL/AMTRAK

- a. As communities push to expand commuter rail service it is evident that a balance must be struck between commuter and freight service. In many areas commuter traffic and freight traffic share the same track. This can and has led to significant problems including delayed shipments and decreased revenue as freight and commuter traffic attempt to intermingle. Freight rail does not have priority over passenger rail and is therefore adversely affected in situations where track is only available for one. As commuter rail/Amtrak continues to expand, it is freight rail that will be negatively affected. It is up to the public sector to provide the funding and

resources to upgrade and add much needed infrastructure so that freight rail can continue to operate. Barring an increase in track and other infrastructure, passenger rail will dominate the railways making freight rail inefficient and uneconomical. This in turn will lead to customers shifting their freight back to the already overburdened highways. Now is the time to act and add the necessary infrastructure so that both freight and passenger rail can be successful.

- b. The ST recommends that the STB look to the state of Maine for an example of how best to balance the needs of Amtrak and freight rail operations. When infrastructure improvements to add capacity were needed so that freight and passenger rail could operate in harmony it was the state of Maine who stepped up to the plate and paid for the capital improvements. By taking the initiative and not waiting until a problem arose, the state was able to increase capacity while allowing both freight and passenger rail to operate successfully in the state. This is a model that the federal government should review when determining the best way to deal with increased rail traffic.

ST thanks the STB for the opportunity to submit comments regarding these very important issues. The Railroad industry is at a crossroads and it is up to the federal government to dictate what direction the industry will take. Now is the time to be proactive and take the steps necessary to ensure the vitality of the nation's rail system.

Respectfully submitted,

Jeffrey C. Royer

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Staff Attorney

The Springfield Terminal Railway Company

1700 Iron Horse Park

North Billerica, MA 01862