

RAIL

MOVING AMERICA FORWARD



Interstate Rail Compact Grant Program

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Presenters



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Agenda

- **Overview of the Interstate Rail Compact Grant Program and Next Steps**
Jessie Samwel, Community Planner, Federal Railroad Administration
- **Interstate Compacts: History and Current Uses**
Dan Logsdon, Director, National Center for Interstate Compacts, Council of State Governments
- **Interstate Rail Compacts in Action**
Laura Kliewer, Director, Midwest Interstate Passenger Rail Commission
Knox Ross, Chairman, and John Spain, Vice-Chairman, The Southern Rail Commission
- **Questions and Discussion**

Overview of the Interstate Rail Compact Grant Program

Purpose of Interstate Rail Compact Program

Competitive grant program to provide financial assistance to entities implementing an interstate compact pursuant to section 410 of the Amtrak Reform and Accountability Act.

Support interstate rail compacts to allow them to expand their roles to be the primary entity coordinating the development of multistate rail networks through building the compact capacity.



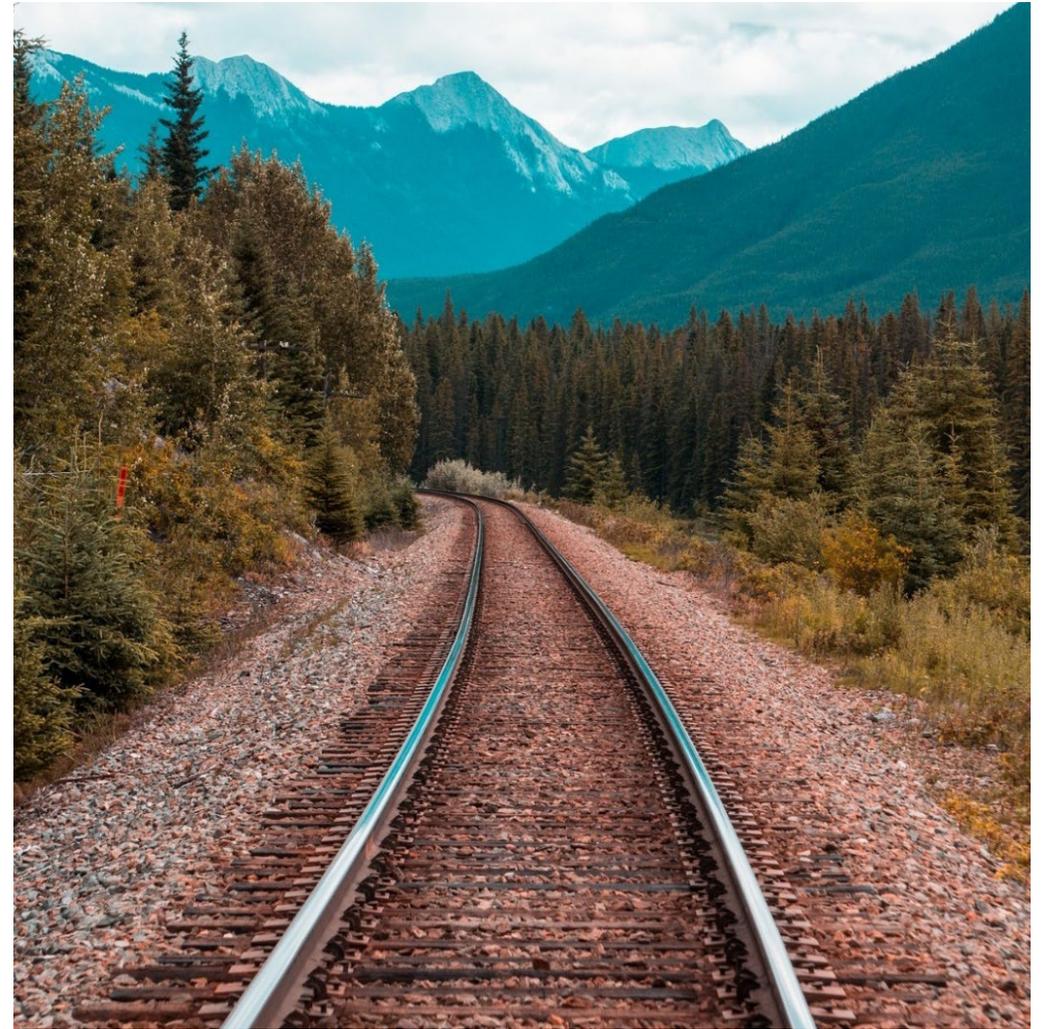
Eligible Applicants and Activities

Applicants:

- Entities implementing an interstate compact pursuant to section 410 of the Amtrak Reform and Accountability Act

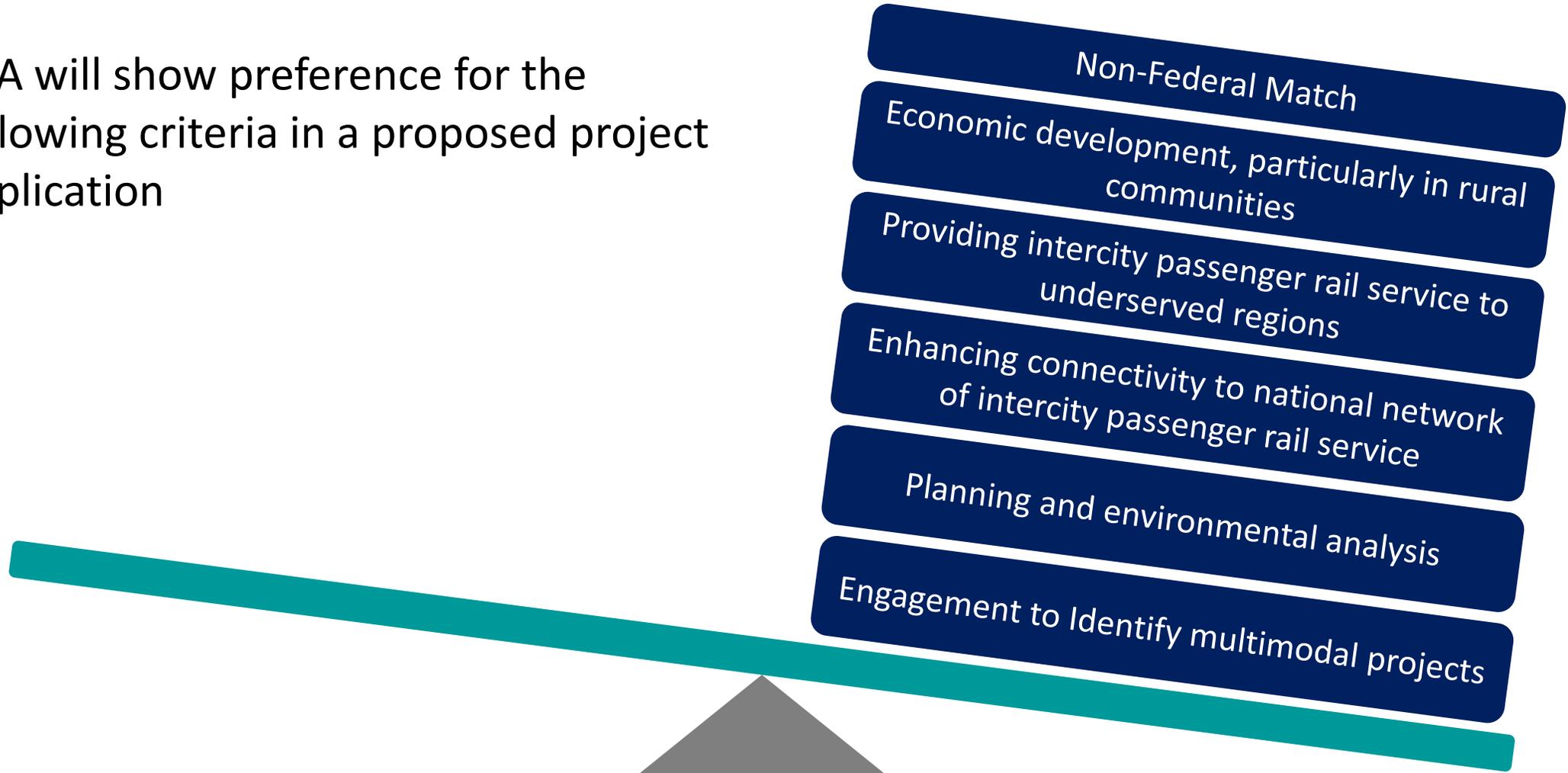
Activities:

- Cost of administration
- Systems planning
- Promotion of intercity passenger rail operations
- Preparation of applications for competitive Federal grant programs
- Service operations coordination



Selection Criteria

FRA will show preference for the following criteria in a proposed project application



Award Limitations



\$3,000,000
Set aside per fiscal year



No more than a total of
10 Awards
Per year



Maximum award per year of
\$1,000,000



50% Non-Federal
match required

And...

- Multi-year grants may be awarded
- Amtrak must be operator of services in Compact's region

Relation to Other BIL Grant Programs

- Interstate Rail Compacts are eligible applicants for other FRA grant programs:
 - Corridor Identification and Development Program
 - Federal-State Partnership for Intercity Passenger Rail Grant Program
 - Restoration and Enhancement Grant Program
 - Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program
- More information on new and enhanced grant programs under the Bipartisan Infrastructure Law:
<https://railroads.dot.gov/BIL>

The screenshot displays the Federal Railroad Administration (FRA) website. The top navigation bar includes the U.S. Department of Transportation logo and the text "U.S. Department of Transportation Federal Railroad Administration". A search bar is located on the right. Below the navigation bar, there are several menu items: "About FRA", "Railroad Safety", "Rail Network Development", "Research & Development", "Legislation & Regulations", "Grants & Loans", and "FRA eLibrary".

The main content area features a section titled "Bipartisan Infrastructure Law Information from FRA". The text states: "On November 15, 2021, President Joseph R. Biden signed the Bipartisan Infrastructure Law—a generational investment in America's intermodal transportation system of which freight and passenger rail is an integral part and an engine of our economy. The investments will:"

- Help make our nation's rail network safer, more reliable, resilient, sustainable, and equitable.
- Improve the lives of Americans, create good paying jobs, and lay the foundation for America to compete in the 21st Century.

Below this, a section titled "What Does This Mean For FRA?" explains that the law will provide unprecedented Federal funding for rail improvement projects in America. It notes that over the next five years, this means greatly expanding existing FRA programs and creating new programs to enhance the nation's rail network. The law includes \$102 billion in total rail funding, including \$66 billion from advanced appropriations, and \$36 billion in authorized funding.

A "Learn More" section encourages users to watch a video from FRA Deputy Administrator Amit Bose. The video player shows a man speaking at a podium with an American flag and the FRA logo. The video title is "Bipartisan Infrastructure Law and Rail ...". Below the video player are buttons for "Expand All" and "Collapse All".

At the bottom of the page, there are two dropdown menus: "FRA Bipartisan Infrastructure Law Information" and "Other Government Resources".

The footer of the page states: "Last updated: Monday, November 15, 2021".

Next Steps

Timeline for Implementation

Summer 2022

- FRA to release Request for Information (RFI)
- FRA to hold listening session for potential eligible applicants

Fall 2022

- Tentative timeframe for release of Notice of Funding Opportunity (NOFO)

Establishing Interstate Rail Compacts

- FRA partnering with AASHTO and National Center for Interstate Compacts to offer support establishing interstate rail compacts





The Council
of State
Governments

INTERSTATE COMPACTS

History and Current Uses

What Is an Interstate Compact?

- A legislatively enacted agreement between states in their sovereign capacity as states
- Simple, versatile, and proven tool
- Effective means of cooperatively addressing common problems
- Allows states to respond to national priorities with one voice
- Retains collective state sovereignty over issues belonging to states

Benefits of Interstate Compacts

- Effectiveness and efficiency
 - Economies of scale
- Flexibility and autonomy compared to national policy
 - “One size does not fit all”
- Dispute resolution between or among the states
- State and federal partnership
- Cooperative behaviors leading to “win-win” solutions

Benefits of Interstate Compacts (cont.)

- Unified approach to shared problems
- Threat of a federally mandated solution
- Advances in technology
- Distrust of federal government
- Fill void left by federal inaction
- Proven track record

Interstate Compacts in History

“No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled”

Articles of Confederation of 1781, art. VI.

“No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another state”

U.S. Constitution, art. 1, sec. 10, cl. 3.

Congressional Consent

Compacts between states are authorized under Art. I, Sec. 10, Cl. 3 of the U.S. Constitution:

No state shall, without the Consent of Congress ... enter into any Agreement Compact with another State ...”

Consent isn't required unless the compact infringes on the federal supremacy.

U.S. Steel Corp v. Multi-State Tax Comm'n, 434 U.S. 452 (1978).

Primary Uses of Interstate Compacts

Multistate administration of a wide variety of state issues:

- **Crime Control and Corrections**
 - Interstate Compact for Adult Offender Supervision
- **Child Welfare**
 - Interstate Compact for the Placement of Children
- **Taxation**
 - Multistate Tax Compact
- **Environmental and Pollution Control**
 - Low Level Radioactive Waste Compacts
- **Mutual Aid**
 - Emergency Management Assistance Compact
- **Insurance**
 - Interstate Insurance Product Regulation Compact
- **Education**
 - Military Children's Compact Commission
 - Midwestern Higher Education Compact
- **Manage Shared Natural Resources**
 - Use and allocation of interstate rivers and river basins
 - Land use planning
- **Resolve Boundary Disputes**
 - Virginia – Tennessee Boundary Agreement of 1803
 - Missouri – Nebraska Compact of 1990
- **Regional Economic Development and Transportation**
 - Port Authority of New York and New Jersey

Primary Uses of Interstate Compacts

Occupational Licensure:

- Nurse Licensure Compact
- Interstate Medical Licensure Compact
- Physical Therapy Compact
- Psychology Interjurisdictional Compact
- EMS Compact
- Audiology and Speech Language Pathology Compact
- Occupational Therapy Compact
- Counseling Compact
- Advanced Practice Nursing Compact
- *Cosmetology Licensure Compact*
- *Dentistry and Dental Hygiene Compact*
- *Massage Therapy Compact*
- *Social Work Licensure Compact*
- *K-12 Teaching Compact*
- *School Psychologists*
- *Dietitians and Nutritionists*

Compacts Today

- Approximately 265 active compacts
- Precedence for international participation
- On average states are members of about 25 compacts
- Port Authority of NY & NJ (1922) signaled a new era in compacts by creating a new bi-state agency

Compact vs. Non-Compact Agreement

- What is a Compact? RGGI, EZ-Pass, SBAC
 - "State" action v. agency or agency officials' actions
 - Authority / powers granted
 - Binding
 - Interpretation

Compact vs. Uniform Laws

- How uniform do you want?
 - Text
 - Interpretation and application
 - Enforceability
 - Withdrawal

Compact Development Process

Phase I Development

TECHNICAL ASSISTANCE GROUP

- Composed of approximately 20 state officials, stakeholders and issue experts
- Examines issues, current policy, best practices, and alternative structures
- Establishes recommendations as to the content of an interstate compact

COMPACT DOCUMENT TEAM

- Composed of 5 to 8 state officials, stakeholders, and issue experts
- Crafts compact based on Technical Assistance (TA) Group recommendations
- Circulates draft compact to states and stakeholder groups for comment

FINAL PRODUCT

- Drafting team considers comments and incorporates into compact
- Final product sent to TA group
- Released to states for consideration

Phase II Education and Enactment

EDUCATION

- Develop comprehensive legislative resource kit
- Develop informational website with state-by-state tracking and support documents
- Convene “National Briefing” to educate legislators and key state officials

STATE SUPPORT

- Develop network of “champions”
- Provide on-site technical support and assistance
- Provide informational testimony to legislative committees

STATE ENACTMENTS

- Track and support state enactments
- Prepare for transition and implementation of compact
- Provide requested support as needed

Phase III Transition and Operation

TRANSITION

- Enactment threshold met
- State notification
- Interim Executive Board appointed
- Interim Committees established
- Convene first Compact meeting
- Information system development (standards, security, vendors)

OPERATION

- Ongoing state control and governance
- Staff support
- Annual assessment, if necessary
- Annual business meeting
- Information system oversight (maintenance, security, training, etc.)
- Long-term enhancements / up-grades

FRA INTERSTATE
RAIL COMPACT
GRANT PROGRAM
WEBINAR

Creation and
Evolution of the
Midwest Interstate
Passenger Rail
Commission (MIPRC)

Laura Kliewer, Director,
MIPRC



June 16, 2022

History of MIPRC

Originally conceived by a midwestern Legislative Conference task force

- Held several meetings with FRA, state DOTs, and advocacy groups to develop compact language
- 12 midwestern states eligible to join; compact became “effective” upon three states’ enactment. Each state had to pass uniform legislation.
- Originally met mainly in Washington, D.C., to educate and advocate for better passenger rail funding and collaboration at the federal level. Now primarily meet in member states on a rotating basis, with a smaller delegation trip to D.C.

What is MIPRC? Aspects of the Compact

- I. Statement of Purpose
- II. Establishment of Commission
- III. Commission Membership
- IV. Powers and Duties of Commission
 - Duties: What commission MUST do
 - Powers: Other things the commission CAN do
- V. Officers
- VI. Meetings and Commission Administration
- VII. Finance
- VIII. Enactment, Effective Date, and Amendments
- IX. Withdrawal, Default, and Termination

What is MIPRC?

The purpose of MIPRC, through member states and partners, is to promote, coordinate, and support passenger rail service improvements through:

- Development and implementation of plans and improvements for Midwest intercity passenger rail service
- Advocacy for midwestern interests regarding passenger rail development
- Support of our state Departments of Transportation passenger rail plans
- Leadership in the FRA-led regional rail planning efforts

What is MIPRC? *Duties*

What the Commission MUST Do

- **Functional Aspects** (adopt Bylaws; expend funds necessary to carry out powers and duties; report annually)
- **Policy Aspects:**
 - Advocacy: funding and authorization necessary to make passenger rail improvements a reality for the region
 - Seek partnerships
 - Seek development of long-term plan
 - Cooperate with other agencies, regions, and entities to ensure Midwest is adequately represented and integrated into national plans

What is MIPRC? *Powers*

What the Commission CAN Do

- **Functional Aspects** (establish an office; hire staff; contract for or provide services; assess dues; conduct research; establish committees)
- **Policy Aspects:**
 - Advocacy to implement passenger rail plans, as approved by Commission
 - Educate on the advantages of passenger rail as an integral part of a regional intermodal transportation system
 - Make recommendations to member states
 - If requested by states, and under the terms of a formal agreement, implement or provide oversight for specific rail projects

Who is MIPRC?

Three states had to enact the compact before it was originally “effective” (came into being). That happened in 2000. Current member states include:

- Illinois
- Indiana
- Kansas
- Michigan
- Minnesota
- Missouri
- North Dakota
- Wisconsin

*Iowa, Nebraska, Ohio & South Dakota are also eligible to join the compact

MIPRC Commissioners

Each member state has four primary appointments to the commission:

▶ **House Appointee**

- Primary
- Alternate (optional)

▶ **Senate Appointee(s)**

- Primary
- Alternate (optional)

▶ **Gubernatorial Appointees (2)**

- Governor or governor's designee
- Private sector appointee

Midwest Regional Rail Initiative Plan

The technical rail staff from nine state DOTs worked together starting in 1996 to develop and implement the MWRRI plan

3,000-mile, 9-state passenger rail system with Chicago as the hub; 63 trainsets

4 to 17 daily trains in each direction at speeds up to 110 mph

- Chicago-Detroit/Grand Rapids/Port Huron
- Chicago-Toledo-Cleveland
- Chicago-Indianapolis-Cincinnati
- Chicago-Carbondale
- Chicago-St. Louis-Kansas City
- Chicago-Quincy/Quad Cities-Des Moines-Omaha
- Chicago-Milwaukee-Madison-LaCrosse-St. Paul
- Chicago-Milwaukee-Green Bay

Overall Economic Benefit: \$23 billion

Permanent New Jobs: 57,450

Estimated Average Annual Jobs During Construction (10-year build-out): 15,200

Midwest Regional Rail Initiative

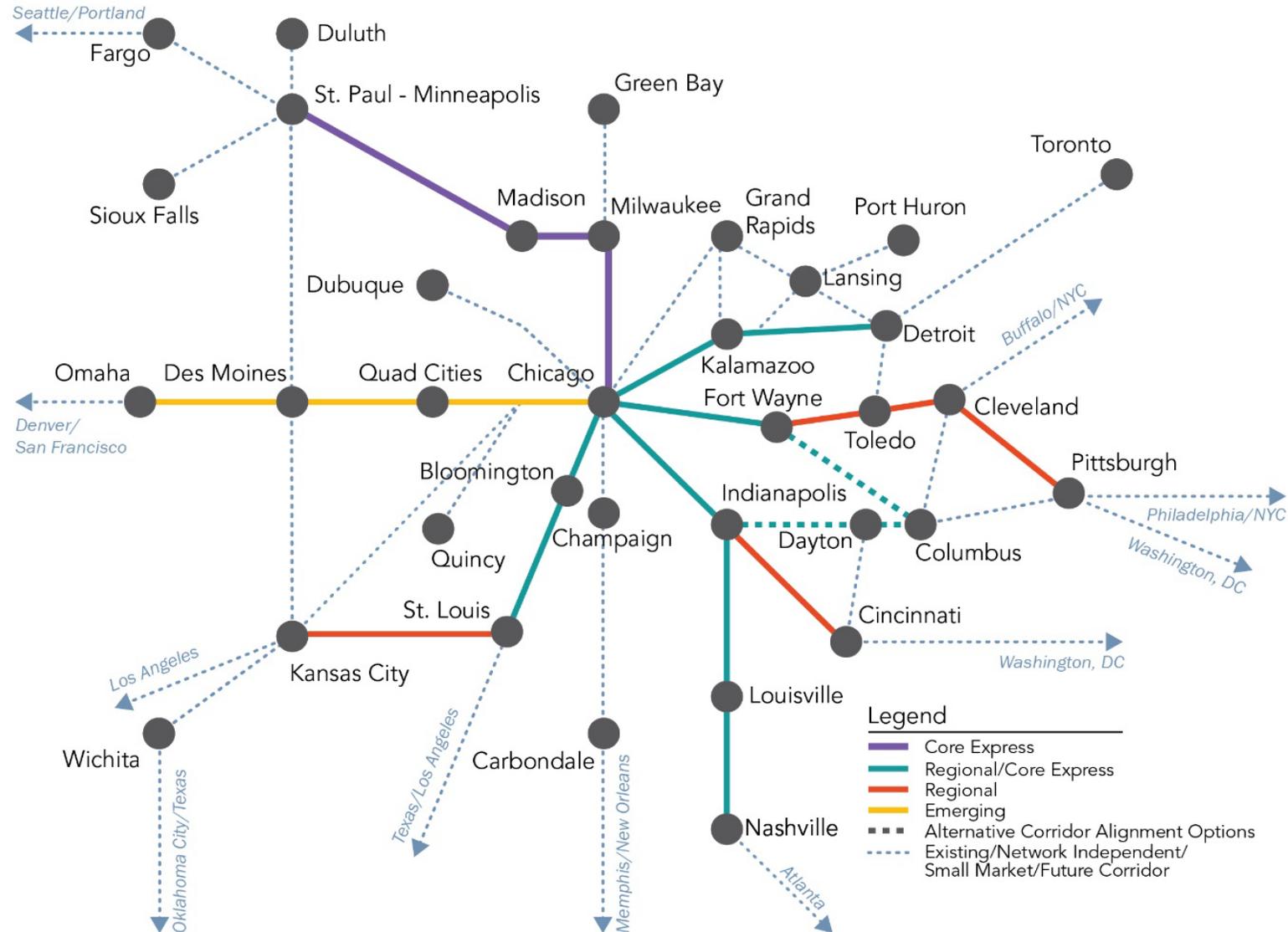


FRA-Led Midwest Regional Rail Plan (MWRRP)

Building on the original MWRRP plan, the Midwest Regional Rail Plan (MWRRP), released in October 2021, was developed over several years under an FRA-led planning project

- **MIPRC and the twelve midwestern state DOTs were the primary stakeholders** for the plan's development, with other entities – such as Amtrak, Class I railroads, metropolitan planning organizations, advocacy groups, and chambers of commerce – serving in a supporting role
- **The MWRRP is a vision for what passenger rail in the Midwest could look like in 40 years.** It's a high-level, conceptual plan, envisioning a robust network of multiple frequencies linking major cities and smaller towns, that capitalizes on the benefits that a multistate system, rather than an individual corridor approach, will bring.
- **The plan also envisions advancing and elevating MIPRC “as a governance structure with the clear authority, responsibility and mandate for overseeing and implementing the outcomes of the Midwest’s intercity rail planning initiative.”** (MWRRP executive summary)

FRA Midwest Regional Rail Plan Network



Next Steps

Over the next several years, MIPRC and the midwestern state DOTs will work to refine and prioritize/phase corridor development to ensure that the region builds on current plans to create a robust Midwest passenger rail network, serving all the states, and both urban and rural communities.

- **MIPRC plans to apply for federal funding to conduct ridership and revenue forecasts** for routes identified in the MWRRP, Amtrak Connects US Corridor Vision Plan, State Rail Plans, and State Long-Range Transportation Plans
- **The plan will identify a phasing strategy for corridors** across the Midwest and would also identify development and implementation strategies



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