

**NEWS FROM ALL ABOARD WISCONSIN**

**March, 2016**

**Assembly Passes AB-876, Loosening Trespassing Restrictions on Railroad Property. Future now in Senate’s Hands.** For the second time this year, the Wisconsin Assembly has passed legislation that would loosen the restrictions on persons entering or crossing railroad property at locations other than marked crossings. Assembly Bill 876 would allow persons to cross railroad property at other locations when the convenience of the citizen needing to cross the rails made it time-consuming or problematic to cross at a marked crossing. The bill would remove a railroads legal right to prosecute trespassers in these circumstances; regardless of the location or potential danger to themselves or train crews from these acts. Examples given by the sponsors of the bill include fishermen crossing the tracks in areas where the railroad runs along a body of water where no marked crossing is present; and persons crossing a railroad right-of-way when a train is stopped waiting for a signal to proceed, changing crews, etc. Time and again, experience has shown that persons crossing tracks and trespassing on railroad right-of-way greatly increase their own danger of becoming a fatality; to say nothing of the shock and trauma caused to train crews involved in such incidents.

Both the railroads and rail labor adamantly oppose AB-876 for obvious reasons. The Wisconsin Senate is anticipated to return to session on March 15; and it is expected that an attempt will be made at that time to get this matter to the floor of the Senate for a vote. With the month of March already upon us, if you believe that the policy change proposed by AB-876 is a bad idea that will only increase the potential of tragic accidents, please consider contacting your state senator to express your feelings on this important matter; urging them to oppose bringing the matter up for a vote, and if the proposal does make it to the Senate floor, to vote “no” on its passage.

**Surface Transportation Board Mulls Changes to Amtrak “On-Time Performance Standards”.** If you’ve ridden an Amtrak long-distance train in the past few years, chances are that you’ve experienced possibly significant schedule delays in the process. The eastbound “Empire Builder”, the train that provides service to the largest geographic slice of Wisconsin, along with connections at Chicago to other long distance trains serving the east and south, has been a chronic example of Amtrak’s woes in this regard. Poor schedule-keeping has been blamed for a steady decline in the “Builder’s” ridership over the past several years; and while weather-related incidents, accidents and the unanticipated surge in oil and grain traffic on the same routes that this train uses are beyond the control of the freight railroads in the short term, the inability of this train and others to operate reliably on a continuing basis has become a serious issue nationwide.

Central to the discussion of Amtrak’s schedule-keeping is the issue of whether the freight railroads that host Amtrak services outside the Northeast Corridor are doing all that is required of them by long-standing policy and regulation to grant priority treatment to passenger trains operating over their networks as required by laws that date back to the founding of Amtrak, and the relief of the requirement to provide common carrier passenger service on the freight railroads. Coupled with the requirement to provide timely forwarding of passenger trains on the freight railroads is the question of what rights Amtrak has to enforce this policy. This entire issue has now ended-up before the Surface Transportation Board (STB), the regulatory body that assumed the duties and authority formerly exercised by the Interstate Commerce Commission with regard to setting performance standards and regulating common carriers’ performance in meeting those standards. The outcome of this rulemaking process, which is being watched closely by Amtrak and passenger rail supporters, as well as the freight railroads and their industry association, the Association of American Railroads, could spell the difference in whether Amtrak trains that operate over freight railroad tracks can continue to expect – and demand – priority handling.

Your Association has been active in supporting the position that the long-standing current requirement for freight railroads to afford priority treatment to passenger trains must be maintained and enforced by the STB. All Aboard Wisconsin joined with the Environmental Law and Policy Center (ELPC), based in Chicago, and several other passenger rail support and promotion organizations in the Midwest and East (All Aboard Indiana, All Aboard Ohio, the Midwest High Speed Rail Association, and Virginians for High Speed Rail) to support a legal brief filed by ELPC before the STB supporting the current priority policy for handling Amtrak trains by freight railroads, and objecting to proposals that would reduce those requirements.

At this time, the STB has floated a proposal to give freight railroads some leeway in defining what “priority” for passenger trains means. The philosophy being espoused appears to be a variation on the old cliché “…a rising tide lifts all boats…”. In this instance, the Board appears to be considering a modification to the rule that would assert that if by moving certain freight trains ahead of passenger trains the overall “fluidity” of the particular railroad is improved, that would satisfy the requirement to give passenger trains priority treatment since a more smoothly running railroad overall would also help keep passenger trains on schedule. All of this said, ELPC and other passenger rail supporters maintain that the STB does not have the legal authority to make this change to the “OTP” regulations. Only Congress, which passed the original regulation mandating priority for passenger trains, could make this change.

As the old saying goes – “Stay Tuned” as this on-going situation develops.

**All Aboard Wisconsin Headed to Washington, Madison to Listen, Learn and Meet with Representatives and Senators.** Over the next two months, various AAW Board members will travel to Washington, DC and Madison to spread All Aboard Wisconsin’s message of improved passenger rail service in Wisconsin and the Midwest to our elected representatives in both cities. In the process, we’ll collaborate with our colleagues from other public transportation modes as we emphasize the importance of an interconnected system of public transportation, including robust passenger rail service supported by connecting intercity bus service and local transit, to grow Wisconsin’s economy, meet the demands of the generation now entering the workforce for more transportation option that aren’t tied-to the private vehicle, and position this system for coordinated growth into the future.

From March 12-16, we will attend the American Public Transportation Association (APTA) annual Legislative Conference in Washington. This conference includes specific sessions of the APTA High-Speed and Passenger Rail Committee, the Legislative Subcommittee on Passenger and Commuter Rail, and the State Affairs Committee among others where AAW is a participant. We’ll also learn about national policy issues going forward in this election year, and of course make office calls on Wisconsin Senators and Congressmen and their staffs to update them on our activities and needs; and how their assistance can help AAW pursue its goal of “More Trains to More Places”. Watch this space next month for a report on our activities and what we learned.

About a month after returning from Washington, we’ll gather at the Capitol in Madison at 10:00 AM on April 20th for the state public transportation “Day at the Capitol”, again with our colleagues from other public transportation modes. Also a combination of education and advocacy, we’ll learn about potential future activities in the state legislature that can impact public transportation in general and passenger rail in particular, and “knock on doors” of our Assembly and Senate representatives, urging their support of continued funding for the Hiawatha service, looking forward to increasing the frequency of trains from 7 – 10 weekday trips, and promoting the “Second Train Study” results, adding a second daily train between Chicago and St. Paul – Minneapolis, with stops across Wisconsin, running opposite the current Empire Builder schedule. With the Legislature presumably finished with it’s floor session by that time, and the members headed back to their districts to campaign for reelection; we want to make sure that sustaining and improving passenger rail service in Wisconsin is on their “radar” and their “To-Do List” for the coming term. You’ll see a report on our activities in the May Newsletter; and suggestions on things that YOU can do to promote our shared cause as legislators begin their campaigns across the state.

**Save the Date - and Join Us in Green Bay!** The Annual Meeting of All Aboard Wisconsin will take place on October 4 - 6, 2016 in Green Bay. The event will occur during the 2016 Wisconsin Public Transportation Conference, so our friends and colleagues from public transit, specialized transit, intercity bus, specialized medical vehicles and taxi will be holding their meetings then as well. Along with the official Annual Meeting of the Association and election of officers for 2017, we are also planning an interesting and educational program with specific sessions on passenger rail topics. We’ll meet at the “Hyatt on Main” Hotel in downtown Green Bay. Watch for more information in the next few months on reservations and locations of specific events. We hope to see YOU there!

***WELCOME NEW MEMBERS! A hearty welcome*** to two new members who have joined the ranks of All Aboard Wisconsin in the past month:

* Ken Burbach of Middleton
* Wendell Johnson of Green Bay

We’re thrilled to have Wendell and Ken as All Aboard Wisconsin members! Know someone who is interested in our mission and would be a good candidate to join our ranks? ***Why not ask them to join!***

**Finally – From the “You’re Not Going to Believe This” Department:** AAW Board Member Craig Peachy of SMART-Transportation Division shared the link below with us as another example of the irrational behavior of certain people when it comes to forgetting to exercise proper caution at rail crossings. This video is courtesy of the **Minnesota State Patrol**, and is a dash-cam video from one of it’s troopers cars, together with audio. The Trooper had just finished making a traffic stop with a semi driver to inspect his vehicle for a reason not revealed in the video. You will not believe what happens next….

[**https://www.youtube.com/watch?v=q0obAEPT-3Y**](https://www.youtube.com/watch?v=q0obAEPT-3Y)