Report on Amtrak Cross Border Operations

November 15, 2022

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Cover: The Toronto-to-New York City *Maple Leaf* crosses the U.S.-Canada border between Niagara Falls, Ontario and Niagara Falls, New York.

Introduction

Amtrak has prepared this report pursuant to the requirement set forth by Congress in the Infrastructure Investment & Jobs Act (IIJA), Division B, Title II, Subtitle B, Section 22212:

> SEC. 22212. ENHANCING CROSS BORDER SERVICE.
>
> (a) In General.--Not later than 1 year after the date of enactment of this Act, Amtrak, after consultation with the Secretary, the Secretary of Homeland Security, relevant State departments of transportation, Canadian governmental agencies and entities, and owners of the relevant rail infrastructure and facilities, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding enhancing Amtrak passenger rail service between the United States and Canada that--
>
> (1) identifies challenges to Amtrak operations in Canada, including delays associated with custom and immigration inspections in both the United States and Canada; and
>
> (2) includes recommendations to improve such cross border service, including the feasibility of and costs associated with a preclearance facility or facilities.
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> (b) Assistance and Support.--The Secretary, the Secretary of State, and the Secretary of Homeland Security may provide assistance and support requested by Amtrak that is necessary to carry out this section, as determined appropriate by the respective Secretary.

To compile this report, representatives from multiple departments within the company contributed to this effort. Additionally, Amtrak engaged with the Federal Railroad Administration (FRA), U.S. Customs and Border Protection (CBP), the Canada Border Services Agency (CBSA), Transport Canada (TC), and VIA Rail Canada. Amtrak also consulted with many other partners who are involved with our cross border services, including CSX, Canadian National (CN), Canadian Pacific (CP), and the Departments of Transportation of Michigan, New York, Vermont, and Washington. In some cases, representatives from those bodies have had the chance to review this work, but this report does not speak for any of those agencies and is the work of Amtrak alone.

Executive Summary

Amtrak believes strongly in the value of cross border service between the United States and Canada and views it as an important market. We operate three cross border services, which were all suspended due to the COVID-19 pandemic. At the time of transmittal of this report, one of those services – the *Maple Leaf* between New York State and Toronto, Ontario has fully resumed, as has one of the two daily Amtrak Cascades round trips between the States of Oregon and Washington and Vancouver, British Columbia. The third service – the *Adirondack* between New York State and Montreal, Quebec – has not yet resumed; however, work is underway to restore this service as soon as it is operationally feasible to do so.

Opportunities to improve these cross border services exist, and Amtrak is engaged with several partners and stakeholders to advance these efforts as quickly as possible. Similarly, there is potential to introduce new service across the border and Amtrak will work with our partners to explore these possibilities, consistent with our mandate. To accomplish this, we face both short-term challenges, such as staffing issues brought on by the pandemic, and longer-term ones as we work with partners on issues such as preclearance and evolving border requirements.

We trust that this document will help its readers understand these services more fully, and to appreciate both the opportunities they present as well as the range of challenges that must be overcome to serve these markets to their fullest.

Current and Potential Cross Border Services

Amtrak has operated cross border services between the United States and Canada since 1972. The statutory provisions authorizing these services, codified at 49 U.S.C. 24709, state that:

> Amtrak may develop and operate international intercity rail passenger transportation between the United States and Canada and between the United States and Mexico. The Secretary of Homeland Security, in cooperation with Amtrak, shall maintain, consistent with the effective enforcement of the immigration and customs laws, en route customs inspection and immigration procedures for international intercity rail passenger transportation that will-
> (1) be convenient for passengers; and
> (2) result in the quickest possible international intercity rail passenger transportation.

CURRENT ROUTES

Amtrak's current national rail system includes three routes that cross the border with Canada:

Adirondack

The *Adirondack*, a state-supported service funded primarily by the State of New York, has served as a daily train between New York City and Montreal, Quebec since 1974. Its route has evolved over the years. Today it runs 381 miles north along the Hudson via Albany-Rensselaer, New York and then up the west side of Lake Champlain. The route crosses the border at Rouses Point, New York and stops in St. Lambert, Quebec, a suburb of Montreal, on its way to Montreal Central Station. The *Adirondack* operates as an Amtrak train with Amtrak equipment and crew over its entire route. Cross border service on the *Adirondack* has been suspended since the onset of the pandemic in March 2020. For more details about the resumption of *Adirondack* service, please see the discussion found on page 11.

Hosts	Metro North, Amtrak, CP, CN, CDPQ
Total Ridership*	117,490
Cross Border Ridership*	66,792
Total Passenger-Miles*	33,819,281
Ave. Trip Length (miles)*	288
Ticket Revenue*	$7,098,300
Customer On-Time Performance*	69.1%
Equipment	1 diesel locomotive 5-6 Amfleet I and II cars
* Figures are for FY 2019, the last full year of operations prior to COVID-19.	

Maple Leaf

Hosts	Metro North, Amtrak, CSX, (Also CN while operated by VIA Rail)
Total Ridership*	390,355†
Cross Border Ridership*	31,193
Total Passenger-Miles*	115,805,737†
Ave. Trip Length (miles)*	297†
Ticket Revenue*	$24,604,839†
Customer On-Time Performance*	67.1%
Equipment	1 diesel locomotive 6 Amfleet I and II cars
* Figures are for FY 2019, the last full year of operations prior to COVID-19.	
† Includes all three daily trains serving west of Albany.	

The *Maple Leaf*, which is also a state-supported service funded by the State of New York, has served as a daily train between New York City and Toronto, Ontario since 1981. Its 544-mile route runs north along the Hudson to Albany-Rensselaer, and then west to Niagara Falls, New York and around the western end of Lake Ontario to Toronto. The *Maple Leaf* uses Amtrak equipment over its entire route. It is an Amtrak train with Amtrak crews between New York City and the Canadian border; at Niagara Falls, Ontario, VIA Rail crews take over and the train operates as a VIA Rail Canada train for the remainder of the route. Cross border service on the *Maple Leaf* was suspended in March 2020 and resumed in June 2022.

Amtrak Cascades

Hosts	BNSF, VIA Rail (And over CN using BNSF trackage rights)
Total Ridership*	828,247
Cross Border Ridership*	173,649
Total Passenger-Miles*	130,059,822
Ave. Trip Length (miles)*	157
Ticket Revenue*	$32,899,839
Customer On-Time Performance*	58.3%
Equipment	1 diesel locomotive Either 1 Talgo 8 trainset or 2-3 Horizon cars
* Figures are for FY 2019, the last full year of operations prior to COVID-19.	

The state-supported Amtrak Cascades service between Eugene, Oregon and Vancouver, British Columbia runs 467 miles north from Eugene to Portland, Oregon, Seattle, Washington, and then Bellingham, Washington, which is its last U.S. stop en route to Vancouver. The multi-frequency Amtrak Cascades service includes two daily cross border round trips funded primarily by Washington State, one operating between Portland and Vancouver and the other operating between Seattle and Vancouver. The round trip between Seattle and Vancouver has operated since 1994; the second round trip was extended from Bellingham to Vancouver in 2009. The Amtrak Cascades operates as an Amtrak train with Amtrak equipment and crew over its entire route. Cross border service was suspended in March 2020; the round trip between Seattle and Vancouver resumed in September 2022.

CURRENT CUSTOMS AND IMMIGRATION INSPECTIONS

Customs and immigration inspections on Amtrak trains crossing the border with Canada are different from the processes at airports and highway border crossings with which most cross border travelers are familiar. The three current Amtrak routes all handle inspections in different ways, which reflect whether they make more than one stop in Canada and what facilities are available to conduct inspections.

Before going into detail about the three routes' procedures, it would be useful to define two terms central to cross border operations. One is pre-inspection, which refers to the practice of advance vetting of passenger manifests and inspection of passengers at the Canadian station where they board. Preclearance is the ability of one nation's officers to perform, prior to boarding, all customs and immigration duties at stations located in the other nation (such inspections occur at many airports around the world, including Montreal-Trudeau International Airport). Inspections of passengers arriving from the United States by Canadian Border Services Agency personnel can also be performed at the Canadian station. The benefit of preclearance is that a train does not have to stop at the U.S./Canadian border to process passengers, significantly reducing trip time and eliminating an often significant source of delays en route.

For the *Adirondack*, customs and immigration inspections are performed while the train is stopped at the border in Rouses Point, New York and Lacolle, Quebec. Officers board the train and perform their document checks and initial interviews in the train's passenger coaches. In Rouses Point, the café car is used for more involved conversations, and in Lacolle, a small office is available for similar purposes. While this arrangement does not require the disembarkation of all the passengers, it does require a substantial amount of time. The northbound *Adirondack* has 90 minutes added to its schedule for inspections at the border, while 60 minutes are allotted for inspections on the southbound train. As a result, the northbound train takes three hours and eight minutes to travel over the last 49 miles of its route from Rouses Point to Montreal. Inspections frequently take longer than the scheduled time, resulting in additional delays.

For the *Maple Leaf*, customs and immigrations inspections are performed at the two station stops closest to the border – Niagara Falls, New York for U.S. inspections and Niagara Falls, Ontario for Canadian inspections – which are located on either side of the Whirlpool Bridge. On both sides of the border, passengers are required to disembark from trains with their luggage for screening, adding significant time. While the New York station offers a high-level platform and enclosed area designed for passenger screening, the Ontario station does not, which requires that passengers line up outdoors for screening in all weather conditions and further slows down the process of disembarkation and reboarding. Although the New York station, opened in 2016, was designed to accommodate Canadian inspections, those inspections continue to take place at the Ontario station. Consolidating the two current operations into one location would expedite

border inspections, and Amtrak stands ready to facilitate the necessary discussions among the involved parties to explore such a possibility. Because the *Maple Leaf* is a VIA train that carries passengers within Canada and serves five intermediate Canadian stations in addition to Toronto that account for a significant portion of its cross border ridership, it would not be feasible to implement preclearance on the *Maple Leaf*.

The Amtrak Cascades service to Vancouver, British Columbia is the only cross border service that utilizes pre-inspection. Instead of stopping trains at the border for lengthy inspections, customs and immigration screening for entry into Canada, and most inspections required for passengers traveling to the United States, are handled in Vancouver's Pacific Central Station in a secure area accessed from the fenced-in platform and track that Amtrak Cascades trains utilize. (Since full preclearance for entry into the United States is not in place at the Vancouver station, southbound trains make a brief stop for inspections after the train crosses the U.S. border in Blaine, Washington.) This avoids the need to add significant time to schedules for customs and immigration inspections, and the en route delays often attributable to those inspections, found on the other two cross border routes. The Amtrak Cascades pre-inspection process reflects a great deal of effort and cooperation between the two nations and their border agencies, to put into place the appropriate legislation, regulations, policies, personnel, and facilities that enable it.

FUTURE OPPORTUNITIES

The IIJA creates and/or funds several new or improved federal programs and grant opportunities that will support the improvement and/or expansion of intercity passenger rail. For example, the FRA's Federal State Partnership for Intercity Passenger Rail (FSPIPR) grant program, which provides funding for intercity passenger rail capital projects, and the FRA's Restoration and Enhancement (R&E) grant program, which provides funding for operating costs during initial years of operation of new, restored or enhanced intercity passenger rail services, are two federal grant opportunities that are available to support new or enhanced corridor routes. The FRA's Consolidated Rail Infrastructure and Safety Improvement (CRISI) grant program can also be used for capital investments that improve intercity passenger rail service. While these programs could potentially support improvements in or expansion of cross border services, there are issues regarding whether they can be used to provide funding for capital investments located in Canada to improve or expand cross border services, as noted at page 16. Further, the new Corridor Identification and Development Program (CIDP), requires the FRA to identify, select, and prioritize intercity passenger rail corridors for development, and to subsequently submit to Congress a list of corridors selected for development, related capital projects, proposed federal funding levels, a prioritization list of corridors, and other key information.

There are two other potential cross border services which Amtrak believes could be important additions to the National Network and were included in the Amtrak Connects US report that

Amtrak issued in May 2021 that describes Amtrak's 15-year vision for expansion of corridor services.[1] Canada is advancing a plan of its own to improve rail service along the Montreal-Quebec City corridor, known as the High Frequency Rail project, which aims to create a modern, resilient, and sustainable rail service that uses mostly dedicated and electrified tracks between Quebec City, Trois-Rivières, Montreal, Ottawa, Peterborough, and Toronto. Given the ability of both current and potential Amtrak cross border routes to connect with this corridor, one can easily see how these two efforts could enhance one another.

Chicago-Detroit-Windsor/Toronto

Between 1982 and 2004, Amtrak operated, in conjunction with VIA Rail Canada, a daily round trip between Chicago, Illinois and Toronto, Ontario. The train followed the route currently served by the state-supported *Blue Water* from Chicago to Port Huron, Michigan, crossed the border into Sarnia, Ontario, and from there became a VIA train for the remainder of the trip to Toronto. Cross border service was discontinued because increasing delays at the border due to customs and immigration inspections eroded ridership and revenue.

Amtrak and VIA, along with other stakeholders such as the Michigan Department of Transportation, have been in discussions about reestablishing service between Chicago, Illinois and Toronto, Ontario via Detroit, Michigan. Consistent with the CIDP, the State of Michigan issued its expression of support for this route on October 6, 2022. The plan would be to operate one of the existing state-supported *Wolverine* trains, which currently travel from Chicago to Detroit and Pontiac, Michigan, through the CP-owned Detroit River Tunnel between Detroit and Windsor, Ontario. From the Canadian side of the tunnel, the train would operate over tracks owned by CP, VIA, and another freight railroad serving Windsor to reach the VIA Rail station there. The Amtrak train might, at least initially, provide a cross-platform transfer to a Toronto-bound VIA train at Windsor. A December 2021 agreement between Amtrak and CP allows Amtrak to operate service through the Detroit River Tunnel to connect with VIA.

Work is underway to determine the operational issues associated with the various options for initiating the service. Reaching agreements with VIA and the other host railroad and ascertaining how the train would serve Detroit (the current Detroit Amtrak station and the planned intermodal station at the same location are beyond the point where a Chicago-Windsor train would diverge to access the Detroit River Tunnel) and what if any infrastructure or other capital investments would be necessary, are obviously central issues for this effort to move ahead.

[1] A copy of this report can be found here: https://www.amtrakconnectsus.com/wp-content/uploads/2021/06/Amtrak-2021-Corridor-Vision_2021-06-01_web-HR-maps-2.pdf

In addition to the operational issues, determining where customs and immigration inspections would take place is a significant challenge. Given that a through Chicago-Toronto service would most closely resemble the *Maple Leaf* in terms of having multiple stops on both sides of the border, it would not be possible to utilize preclearance to avoid adding significant time to the train's schedule for customs and immigration inspections. Having passengers transfer at Windsor rather than operating a through train would align with the possibility of creating a preclearance or pre-inspection facility at the Windsor station. After the feasibility of the various options is determined, Amtrak will analyze the level of ridership the service could attract given anticipated trip times and the need for inspections at the border and/or a transfer between trains at Windsor.

Extend *Vermonter* to Montreal

Amtrak's Washington, D.C. to St. Albans, Vermont *Vermonter* began operation in 1995, operating predominantly over the route of an earlier train called the *Montrealer*. The *Montrealer* had been Amtrak's first cross border service when it began operation in 1972 and, as the name suggests, it ran from Washington, D.C. to Montreal, Quebec. When the State of Vermont began funding the *Vermonter*, service was discontinued north of St. Albans, which had been the northernmost Vermont station on the *Montrealer* route and is 69 miles south of Montreal.

Both Amtrak and the State of Vermont have been supportive of reextending *Vermonter* service from St. Albans north to Montreal and constructing a preclearance facility in Montreal Central station. Extension of the *Vermonter* to Montreal is the highest passenger rail priority in Vermont's State Rail Plan. Consistent with the CIDP, the State of Vermont issued its expression of support for this route on October 3, 2022. Serving Montreal, a major international destination with a metropolitan area population of 4.3 million, would significantly increase ridership and revenues on the *Vermonter* route and produce large economic benefits for both Quebec and Vermont due to increased travel and tourism.

Construction of a preclearance facility in Montreal would also lead to higher ridership and revenues for the *Adirondack* because preclearance would significantly reduce trip times by avoiding the need for lengthy customs and immigration inspections at the border, making the service more attractive to passengers and improving its connections with other Amtrak and VIA routes. The *Adirondack*'s station stop at St. Lambert would have to be eliminated if preclearance were implemented, but *Adirondack* passengers using that station – an average of three per train in FY 2019 – would benefit from much faster trip times to nearby Montreal Central Station.

In 2009, Amtrak prepared a preliminary design for a Montreal preclearance facility adjacent to track 23 in Central Station. In 2012, the FRA awarded Vermont and the New England Central Railroad a $7.9 million TIGER IV grant to improve the rail line between St. Albans and the Canadian border at Alburgh, Vermont. Grant proceeds were used to upgrade 19 miles of track to raise al-

lowable passenger train speeds to 59 mph. For a detailed review of the issues surrounding the establishment of a preclearance facility at Montreal Central Station, please see page 13.

Challenges

IMMEDIATE – *ADIRONDACK*

At the time of this report's transmittal, Amtrak continues to plan for the restoration of the *Adirondack* service across the U.S.-Canadian border. Amtrak faces several relevant challenges before this can occur:

> **Crew Qualifications**: To qualify the necessary crew to operate the train, Amtrak will need to operate approximately a hundred round trips between Albany and Montreal. Amtrak has recently commenced these qualification trips and plans to complete them as quickly as possible. To date eight engineers have been qualified and the current plan is to have all train crew members qualified by Spring 2023.
>
> **Personnel Shortages**: Amtrak trains rely on mechanical forces to operate safely and reliably. Currently, our mechanical forces are understaffed. In FY 2022, Amtrak's Human Resources team hired 3,728 new employees and has plans to hire an additional 4,000 in FY 2023. Of those 3,728, 644 have been Mechanical employees.
>
> **Equipment Shortages**: Another related issue is the shortage of rolling stock with which Amtrak is contending. This shortage of available equipment ties directly back to the mechanical personnel issue above.
>
> **Host Issues**: Finally, there are several issues related to CN and CP, two of the host railroads over which the *Adirondack* operates in Canada, and discussions aimed at resolving them are underway. Unlike operations in the U.S., where the Rail Passenger Services Act provides Amtrak a right-to-access freight railroad lines at incremental cost, Amtrak operations in Canada are commercial agreements subject to negotiated rates.
>
> **Montreal Central Station**: Amtrak and CDPQ, which controls Montreal Central Station and the tracks that access it, have agreed to operate under legacy agreements enabling Amtrak to serve this station. Negotiations are underway regarding a longer-term commercial framework.

To summarize, for the *Adirondack* to resume operation, Amtrak will need to complete qualification of conductors and engineers and hiring and training of the necessary mechanical personnel, bring into readiness the necessary equipment, and resolve host railroad issues. Amtrak is vigorously addressing all these tasks. Subject to resolution of the issues with host railroads and their continuing cooperation with service restoration, we expect to resume *Adirondack* service in Spring 2023.

IMMEDIATE – AMTRAK CASCADES

For the Amtrak Cascades, two of the issues described above must also be addressed before we can restore the second Amtrak Cascades round trip to Vancouver, British Columbia. Amtrak is currently training the additional train crew members needed to operate the second round trip and anticipates that sufficient operable equipment will be available by March 2023, at which time we expect to restore full service. It is worth noting that the age of our current fleet is an issue not just for the Cascades, but for all our services. Amtrak is focused on advancing our fleet renewal plans, which will enable us to deploy more reliable, comfortable equipment on both existing and new services. For a detailed discussion of these efforts, please see the Equipment Asset Line section of our Five-Year Plan document, available on our web site.[2]

LONGER TERM

Amtrak's mission, given to it by Congress, includes the objective to operate "trip time competitive service with other intercity travel options." Speed and reliability are both important factors necessary to provide high quality intercity passenger rail service to our customers. Thus, a key challenge for cross border operations is to reduce or eliminate the large amount of time that must be built into schedules for customs and immigration processing on both sides of the border that can make travel time by rail uncompetitive with other modes.

Amtrak enjoys strong, productive relationships with both CBP and CBSA, and all three parties work closely to conduct the necessary inspections and reviews in a timely manner. Still, looking ahead, Amtrak needs to work with these agencies to improve these procedures to make sure that the legitimate security concerns of both countries can be addressed while expediting train operations as much as possible.

Developing a More Coordinated Approach to Cross Border Service

Amtrak operations in the United States face several challenges due to our dependence on host railroads which are often uncooperative in their handling of our trains. Still, federal law does offer a legal foundation enabling Amtrak to operate over host railroad tracks in America, and we have more than fifty years' experience negotiating with our host railroads across the country. In Canada, Amtrak operations are commercial agreements subject to negotiated rates. In places in Canada where Amtrak's commercial goals do not align with those of the host railroad, there is no mechanism in place to consider broader public benefits as part of those negotiations. For example, all three trains serving Canada presently are state supported trains, and yet the Canadian portion operates without any financial investment on the part of our Canadian counterparts, forcing the sponsoring American states to bear substantial costs. Amtrak

[2] A copy of this report can be found here: https://www.amtrak.com/content/dam/projects/dotcom/english/public/documents/corporate/businessplanning/Amtrak-Service-Asset-Line-Plans-FY22-27.pdf

believes that by involving TC, provincial governments, VIA Rail, the FRA, and state departments of transportation, along with relevant hosts from both sides of the border, we could facilitate important discussions about how to meet the mobility needs of citizens from both nations in ways that will foster growth, ensuring increasing access to safe, reliable, and convenient intercity passenger rail over time.

Increased Documentation Requirements

Both the U.S. and Canada are enforcing more detailed documentation requirements and increasing reliance on online systems and apps to collect information from passengers. Amtrak has worked with both agencies to provide them with manifests listing passengers' names and other pertinent information in advance of a train's operation to enable the review process to begin long before the train is underway. A challenge of train travel is that unlike a point-to-point commercial airliner, passenger trains serve multiple stations, and our manifests are updated right up until the point where a train serves its last station prior to reaching the border.

The newest requirement is the enforcement of Electronic System for Travel Authorization (ESTA) for travelers arriving in the U.S. by land starting October 1, 2022. ESTA is an automated system that determines the eligibility of visitors to travel to the United States under the Visa Waiver Program (VWP). Nationals from 40 countries may travel under the VWP, and when entering the U.S., they will need to complete the electronic ESTA application and the electronic Form I-94W. Additional challenges include the requirement that the ESTA application needs to be submitted 24 to 72 hours prior to a traveler's arrival at the border and travelers will now need to pay fees associated with these forms.

Currently, Amtrak sells tickets with a system that does not enforce or monitor these rules. In order to expedite border inspections and to provide the most complete, accurate information to the border agencies, Amtrak will likely need to adapt its systems to take these new procedures into account. Work is underway within Amtrak to determine the best way to accomplish this.

Preclearance Facility at Montreal Central Station

For preclearance to work in practice, two elements are required – a "sterile corridor" and a facility for customs and immigration inspections at the originating station.

A sterile corridor is a concept of operations in which a train departs from a station after all the necessary border reviews are conducted; before departing, the train is (figuratively or perhaps literally) sealed and then operates from that location to the first stop across the border without stopping. To accomplish this, agreements must be in place to assure the border authorities that no persons or items have been able either to exit or board the train as it travels between these two locations. Locomotives would require telemetry to provide assurances that the train's speed had

remained above a certain threshold. Operational issues that might cause it to slow down or to halt would result in a breach in the sterile corridor, and when the train reached the border, officers would need to be available to conduct a full inspection. Amtrak has discussed with CBP officials how the requirements for a sterile corridor might be met and will continue to evaluate the feasibility and cost of doing so.

For the *Adirondack*, preclearance would be performed in Montreal Central Station. Work has been underway for many years to establish a preclearance facility there.

- In 2015, Amtrak, Vermont, New York, and the Ministry of Transportation of Quebec completed a Phase I planning study to develop a preclearance facility inside Montreal Central Station.
- In March 2015, the United States and Canada agreed to the "Agreement on Land, Rail, Marine, and Air Transport Preclearance Between the Government of the United States of America and the Government of Canada." The agreement allowed for the establishment of a preclearance facility in Central Station.
- In 2016, the U.S. Congress passed the "Promoting Travel, Commerce, and National Security Act of 2016." This law enabled the CBP to conduct preclearance activities in Canada.
- In late 2017, the Canadian government passed a law mirroring the American law.
- In 2019, the two countries adopted the Agreement on Land, Rail, Marine, and Air Transport Preclearance. This prompted Amtrak to issue a letter of intent to United States Customers and Border Control in September 2019 regarding the expedited establishment of a preclearance facility in Montreal.

The COVID-19 pandemic, and the resulting closure of the U.S.-Canada border and suspension of *Adirondack* service, have delayed planning for a preclearance facility in Montreal. Efforts to advance the project and determine its feasibility and cost resumed earlier this year. In March 2022, the Quebec Ministry of Finance released its 2022-2023 Budget Plan, which included CAD $1 million to fund its portion of a feasibility study.

Another relatively recent issue that requires resolution before plans for a preclearance facility can advance concerns ownership changes within the Montreal Central Station facility. As part of an ongoing light rail transit project in Montreal, in 2018 CN sold the track level of Central Station and the mile-long rail viaduct immediately to the south over which Amtrak operates to access the station to CDPQ Infra, a subsidiary of a Canadian pension fund. CDPQ also has a long-term lease for the station, which is owned by the Cominar, a Canadian real estate company. Amtrak is currently using the station and viaduct under a pre-existing agreement with CN and is negotiating a new agreement with CDPQ. As a condition of such an agreement, CDPQ Infra

is seeking increased access fees from Amtrak (for which the New York State Department of Transportation would be responsible under the cost allocation methodology for state-supported services established pursuant to Section 209 of the Passenger Rail Investment and Improvement Act of 2008). Amtrak is still exploring all the implications of these changes.

Assuming all the issues surrounding preclearance could be resolved, the other significant issue is the cost of building a preclearance facility and how it would be funded. The major sources of funding for similar projects to construct or improve facilities at Amtrak stations (other than to comply with legal obligations) have been federal competitive grants under the CRISI and Federal-State Partnership for State of Good Repair (FSPSOGR, now FSPIPR) programs, both of which received large increases in funding under the IIJA, and state matching funds. However, the Notices of Funding Opportunity for the CRISI and FSPSOGR programs state that their purpose is to invest in projects in the United States. Canada's federal and provincial governments have not historically contributed to the capital or operating costs of the cross border trains that Amtrak operates in Canada.

As suggested by the discussion above, the number of governmental, railroad, and other private parties in two countries with sometimes disparate interests with whom agreements would have to be reached to establish a preclearance facility in Montreal Central Station is a significant challenge. Nonetheless, Amtrak intends to continue to pursue a preclearance facility because it would significantly improve the performance of the *Adirondack* route; increase ridership on the *Adirondack* and the extended *Vermonter* route it would facilitate; and enhance connectivity between those routes and other Amtrak and VIA Rail Canada routes.

Next Steps and How the Federal Government Can Help

FATIGUE MANAGEMENT

Amtrak is deeply involved in work to prepare a Fatigue Management Plan (FMP) required by TC for Amtrak trains operating in Canada. On June 13, 2022, FRA released the Final Rule, codified at 49 CFR Part 270.403, specifying requirements for development and implementation of a Fatigue Risk Management Plan (FRMP). Amtrak is concerned about the challenge of maintaining Fatigue Plans that satisfy the somewhat different requirements of both FRA and TC. Even though Transport Canada's FMP only covers Train and Engine Crew (T&E) employees (engineers and conductors), while FRA's FRMP will also apply to additional categories of employees in safety-related positions, the two sets of rules for the T&E employees will require railroads operating across the border to maintain two sets of slightly different fatigue records to comply with both systems. Amtrak's host railroads also share this concern.

- How the Federal Government can help: FRA has stated it will be meeting with TC to develop crosswalk guidance between the two regulations, but timing is uncertain. Amtrak hopes that Canada and the U.S. will be able to harmonize their requirements in a manner that ensures the highest levels of safety while also avoiding unnecessary compliance burdens for railroads that operate across the border.

ON TIME PERFORMANCE

On time performance is a central issue for Amtrak and its passengers. Although Amtrak does all it can to ensure our passengers arrive at their destinations on time, freight train interference remains a critical problem. In 2021, our passengers endured over 900,000 minutes of delay due to freight train interference (FTI) on host railroads over which Amtrak operates. For over fifty years, freight railroads have been required by law to provide Amtrak with "preference" over freight trains. However, many freight railroads fail to provide preference in practice and it is extremely difficult for Amtrak to achieve enforcement of this right, and as a result, our passengers suffer.

Below please find a detailed overview of the three routes' on time performance in FY 2019 prior to the suspension of cross border service due to the COVID-19 pandemic:

Route	Customer OTP	Total Delay Minutes per 10,000 Train-Miles	FTI as Percent of Total Delays
Adirondack	69.1%	1,899	3.9%
Amtrak Cascades	58.3%	1,988	18.5%
Maple Leaf	67.1%	1,695	18.1%
Systemwide	73.6%	1,523	18.1%

This issue is of central relevance to our cross border passengers, but these delays also greatly complicate the work needed to be done by the two countries' customs and immigration officers. Reduced delays would allow these agencies to optimize their staffing and reduce the work they needed to do to accommodate late trains.

- How the Federal Government can help: To address these issues on the U.S. side of the border, Congress can help ensure freight railroads follow the law and not delay their constituents traveling through rural towns, suburbia, and urban centers throughout the nation. For example, one option is federal legislation introduced in both chambers (S.1500 and H.R.2937) that would hold host railroads accountable by providing Amtrak with the ability to enforce our longstanding right to "preference" in federal court.

TECHNOLOGY

As Amtrak explores improvements to cross border operations, technology will be part of most every potential enhancement. Improving our web site and mobile apps and enhancing the way we work with our passengers and partners to ensure the correct forms have been completed will be essential to streamlining our operations over the border. Providing operational train data to the American and Canadian border agencies will likely be an important way we verify the integrity of our sterile corridor operations once preclearance is in place. Some of these efforts will be customer facing and others will be internal, but all will need capital funding support to ensure we can deliver the safest, most reliable experience for our customers.

Going forward, discussions with the U.S. and Canadian border agencies make clear that they will grow ever more reliant the collection of information via mobile apps and plan to integrate biometrics more deeply into their identity verification procedures. Amtrak must remain in close conversation with them to make sure our IT systems integrate in ways that make sense as these developments progress. One clear takeaway from these conversations was that Amtrak service could make an excellent pilot for the introduction of these systems. Amtrak stands ready to help field new generations of technology both to enhance security as well as to speed the passage of our trains and passengers.

- How the Federal Government can help: Technology improvements which will facilitate cross border services would benefit greatly from federal investment. Congress could provide increased appropriations to FRA's Research and Development account or directly to Amtrak's National Network grant.

FEDERAL FUNDING

Amtrak, like all intercity passenger railroads, is dependent on public investment in to operate, maintain, and improve the railroad. For example, Amtrak is reliant on federal grant funding

to operate its national network as well as to invest in our capital assets, such as infrastructure, fleet, and stations throughout our national rail network.

- How the Federal Government can help: Given that Amtrak's IIJA grant funds are focused on addressing our backlog of obsolete assets rather than expansion, we must seek additional federal investment to support cross border services. In particular, Congress could help advance cross border services by:
  1. **Amtrak Annual Appropriations** – Providing Amtrak with sufficient annual appropriations which would allow us to invest grant funds in the design and construction of preclearance and other asset improvements necessary to facilitate high-quality cross border services.
  2. **FRA Competitive Grants** – Clarifying that federal competitive grant programs, such as the FRA's CRISI and FSPIPR programs, can fund capital improvements located in Canada for eligible projects that produce benefits in the United States.