

News from the

National Association of Railroad Passengers

Vol. 25 No. 11 December, 1991

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Rail Link Lawsuit!

MILWAUKEE MAYOR, WISCONSIN DOT
CHIEF ADDRESS NARP BOARD—page 2
HIGHWAY BILL UPDATE—page 2

Maine Moves Toward Balanced Transportation; Weld: Second Thoughts on Second Airport

Early November saw New England highway and aviation interests stunned and angered by two events likely to get close national scrutiny from people on both sides of the balanced transportation fight.

On Nov. 5, Maine voters by a 59-41 margin, passed a citizen-initiated measure to stop the widening of part of their turnpike and set a sensible new transportation policy. Two days later, the administration of Gov. William Weld (R-MA), long a strong supporter of a second airport for Greater Boston, announced a return to the drawing board.

These events underline the need for the Boston rail link NARP has been seeking and for rail improvements generally: with voters blocking environmentally damaging road and airport expansion, the need for a modern rail system capable of handling tomorrow's transportation demand becomes even more obvious.

Maine

Rep. Tom Andrews (D—ME) told a news conference in Washington Nov. 14 that the Maine referendum reflected public discontent with Maine's traditional "pavement, pollution, and pork" approach to transportation investments.

He said the public was impatient with the process whereby Maine DOT sat down with vested interests, decided what was to be built, and showed the plans to the public after they were all worked out.

The public, Andrews said, felt the results of that process

(continued on page three)

NARP vs. Massachusetts And Federal Highway

"We can spend \$5.5 billion on a dinosaur or \$6 billion on a project that makes sense."

—NARP's Ross Capon, at NARP's Nov. 4 news conference
(quotation highlighted in large type in Nov. 5
Portland [ME] Press Herald story)

Because Boston's Central Artery Project is the only likely opportunity to bring modern intercity passenger trains to Maine, New Hampshire, and northeastern Massachusetts—and to unite Greater Boston's two separate commuter rail systems—NARP filed a lawsuit Nov. 4 in U.S. District Court in Massachusetts against the Federal Highway Administration and the Commonwealth of Massachusetts.

The media gave sympathetic coverage to our announcement of the lawsuit. The announcement was made by NARP Exec. Dir. Ross Capon at a Washington, DC, news conference, where statements in support of the lawsuit were made by Sue Edwards, chairman of the Sierra Club's Urban Environment Committee; and Sara Nichols of the Clean Air Council (Philadelphia). NARP distributed packets with statements of support for our lawsuit from 12 other organizations (see box).

(continued on page four)

Rail Link = International Competitiveness

"In other nations, such a mammoth highway-only project right where a rail link is needed would be the subject of comedy routines. European and Asian planners would struggle to understand the logic behind allowing a service as important as Amtrak's Northeast Corridor to continue to slam into a stone wall at Boston's South Station, with intercity passengers forced to change trains and stations before resuming their journey."

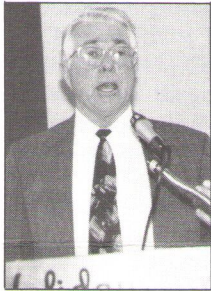
—NARP's Ross Capon, in Nov. 14 letter
to House-Senate conference committee on the
highway/transit reauthorization

NARP Board Hears Milwaukee Mayor, WisDOT Chief

The featured luncheon speakers at the Milwaukee meeting of NARP's Board of Directors were Wisconsin DOT Secretary Ron Fiedler (R) on Oct. 18 and Milwaukee Mayor John O. Norquist (D) on Oct. 19. They had encouraging things to say.

Fiedler

Intercity: ● State funding for Amtrak's expanded Chicago-Milwaukee service (Jan. '90, Sep. & Oct. '91 News) is "permanent," ridership is up over 50% (before the trains added Oct. 27).



● The Amtrak Board's impressive late-September tour of Europe hit five countries in five days. The Swedish X2000, French TGV, and German ICE all gave superb rides; Italian tilt train ride good, but not quite as good. The Europeans are "fully a generation ahead of us in rail passenger development."

● He expects the Chicago-Twin Cities study will go forward and expects close study of "an incremental approach, including rail passenger service and looking at improved Amtrak service. . . . I like the tilt-train technology" because it can use existing tracks. Big economic and environmental problems with new rights-of-way make them unlikely both for roads and railroads.

● "I certainly feel there's application for high speed trains in this country in certain corridors . . . We have to look at the Midwest as a region . . . the governor has asked me to do that with the secretaries of the Midwestern DOT's."

● "The maglev technology is pretty expensive and pretty nice . . . but it's not in commercial application anywhere in the world."

● He foresees a major "Corridors 2020" project widening many Wisconsin two-lane intercity roads to four lanes.

Urban Travel: ● The state will study extending Metra commuter trains from Kenosha to Milwaukee.

● "I think we have a pretty good chance to see a light rail facility being constructed in Milwaukee within this decade."

FIEDLER: NO MORE "BUSINESS AS USUAL"

Wisconsin DOT will hire someone to examine ways to "reduce demand on our highway system," including light rail and changing parking fees. This is important "because in our major metropolitan areas it's not going to be business as usual. Talking a few minutes ago about Boston and how they're talking about putting more lanes in, and how you've got to allow enough room so you can add more and more lanes: I don't think that's the way business will be done in the future. . . . [It] is not going to be feasible or practical or financially sound just to try to add more highway lanes. . . . And the Clean Air Act is really going to change how we do business in our major metropolitan areas. . . ."

—WisDOT Sec. Ron Fiedler, speaking to the NARP Board Oct. 18

Norquist

"The advantage that cities have is that people and businesses are conveniently close together. And they are points of destination. . . . The kinds of transportation that reinforce that advantage are railroads and transit and, to some extent,

ports. . . . Passenger trains and transit create pedestrians in a downtown, so that you have land uses that have lots of people interacting. That's what cities are.

"If you have a good transit system in a community, I could absolutely guarantee that that community will be in good economic shape in the next century." On this score, he compared Detroit unfavorably with Boston. He sees Milwaukee light rail coming "at least within a couple of blocks of the [Amtrak] station, if not on St. Paul Ave."

Asked about developing high-speed rail instead of a third Chicago airport, Norquist said obstacles include the \$140 million a year from the new airport ticket tax (Dec. '90 News, p. 2) he said Chicago is "putting in the bank," and the fact that Mayor Daley supports the new airport. Norquist said, however, that "the Clean Air Act may block that airport from happening. The Clean Air Act was great, great, great supporting evidence for more rail service. Those of you from the Chicago area should be raising that issue more."



Norquist: Tell Your Officials What You Want!

Mayor Norquist condemned U.S. urban policies: "You can't build a city on pity," which he said liberals felt, or "on fear," which conservatives felt. "You build it like any other place in the world does it, by investing in basic infrastructure that makes the city important.

"The U.S. got off track, literally, after World War II" because of the oil and auto companies' conspiracies. "And so how do you counter 40 years of stupid public policy? By having our own conspiracy. The conspiracy, of course, is to petition the government, to speak loudly and often to officials who make decisions. Let them know that if they improve [Amtrak and transit] there are people who appreciate that. And if they don't, there are people who won't appreciate it. That's really important. If that's done, you will have given a tremendous gift to your children and grandchildren.

"In Wisconsin, there's no way in the world policy [would have become pro-Amtrak] without the Wisconsin Assn. of Railroad Passengers. My staff would call WisARP people and ask them to write letters and make phone calls and almost everybody would do it. The impact was dramatic. Legislators and the governor, who had never really thought about this much before, developed a positive attitude. And when the governor got on the Amtrak Board, then he really started to enjoy it. . . . So, we're having fun in Wisconsin improving train service. . . . We want to continue the increase in frequencies between Chicago and Milwaukee . . . and we think we're going to get our rail transit going. There's a lot of support building for that in the business and labor communities."

—Milwaukee Mayor John O. Norquist speaking to the NARP Board Oct. 19

Highway/Transit Update

The six-year highway/transit reauthorization Congress passed Nov. 27 is great for transit, whose earmarked funding doubles to \$31.5 billion over six years. Transit also should get some flexible highway funding and benefit from transfer of most urban-area project selection power from states to local planning organizations (MPOs); \$15 bill. goes straight to MPOs over 200,000 population.

Sadly, due to House inter-committee rivalries, Amtrak is not an eligible use for flexible federal highway funds; maglev isn't either but gets \$725 mill. earmarked.

We'll report in detail next issue if the bill is enacted. ■

TRAVELERS' ADVISORY

Continuation of the Amtrak/New York State-supported "Adirondack" apparently is assured at least through Apr. 30, 1992. Also, excursion fares are available through Apr. 4 between Corridor points—"Montrealer"/"Adirondack" points (i.e., NYC-Montreal round-trip \$68, was \$81). Willimantic, CT, became a regular "Montrealer" stop Nov. 1.

Watch out! Connections Amtrak timetables show between "Maple Leaf" and VIA trains 70/79 at Burlington, ON for daytime travel to/from Detroit area do not exist, due to last-minute postponement of VIA schedule changes planned for Oct. 27.

American-European Express suspended all operations Oct. 15 (including announced Nov. 19 start of Florida service). Chicago service may resume in 1992.

ANDREWS ON THE MAINE VOTE

"They said the turnpike-widening would produce more jobs and help the economy. No one stopped to ask what kind of an economy do we want? What kind of jobs? We need to get transportation planning out of the back rooms where deals are made and out to the public.

"Some legislators in Washington who want highway pork complain about the increase in health costs, yet much of that increase is due to diseases attributable to air pollution.

"People opposed to the [Nov. 5] Maine referendum had a strong bipartisan organization with over a million dollars, most of it from out-of-state. I could not find any other leading politician in the state [besides myself] supporting the environmentalists. We were outspent five to one.

"We were told we would lose and there would be a light turnout. In fact, half the voters came to the polls—about twice the number expected—and we won big. The lesson: people really care about transportation policy. . .

"In the 1950s, Dwight D. Eisenhower had a vision of a first-class network of interstate highways and we built it. Why don't we have in the 1990s a vision for a first-class national interstate passenger rail system? I have yet to make this observation in a speech in Maine without getting lots of applause."

—Rep. Tom Andrews (D-ME), at Nov. 14 Washington news conference

Anti-Turnpike, -Airport Moves (continued from page one)

"were ridiculous." Exhibit A: plans, which the voters killed, to spend \$100 million widening the Maine Turnpike 30 miles from York to Portland even though 1990 traffic was down from 1989.

The Augusta-based Natural Resources Council of Maine (NRCM) and the Campaign for Sensible Transportation led the successful fight for this referendum. NRCM now is pushing for a wide-open rule-making process to govern transportation planning—a process that encourages public input.

Massachusetts

In a Nov. 7 speech, Secretary of Transportation and Con-

struction Richard Taylor said of plans for the second airport, "The real question is . . . do we have the adequate and accurate information to make the larger decision? Right now, I'd have to say no."

The Boston Globe reported Nov. 7 that, among Taylor's concerns, was his desire "to study the impact of the proposed high-speed rail project from Boston to New York for its possible impact on Logan [Airport's] stress."

Credit for bringing the fight against the second airport this far goes to various environmental organizations, ASERT (P.O. Box 254, Bolton, MA 01740; see "Lawsuit Endorsements" box) and Citizens for Integrated Transportation Planning (CITPlan, composed largely of local public officials and chaired by Phil Shutt, 66 Whitney Rd., Harvard, MA 01451).

Unfortunately, the situation remains fluid. Location studies for the new airport will continue; it is not clear whether a new study will focus merely on "reaffirming" the need for a new airport or will be the regional multimodal study that should have been done before the ill-conceived second airport and highway-only Central Artery plans were hatched. ■

HOW TO RUN FOR THE NARP BOARD

During the first quarter of 1992, NARP members will again elect 70 regional directors; these positions are allocated by membership among 12 geographical regions—roughly one director per 170 NARP members. Regional directors represent the membership, serve two-year terms, are responsible for attending—at their own expense—twice-yearly NARP board meetings, and are encouraged to help raise funds for NARP. To become a candidate, send your name, address, home and office phone numbers and candidate's statement/resume *not to exceed 75 words* (for distribution to members) to "NARP Candidate" at our office, post-marked by Jan. 4, 1992 (put nothing else in envelope), or—if not mailing—delivered to our office by Jan. 6 (our FAX 202/408-8287). The 1992 board meetings will be in Washington, DC, April 30-May 2 (close to NARP's 25th anniversary!) and Oct. 16-17 at Flagstaff, AZ.

NARP HOTLINE: 1-900/988-RAIL (988-7245)

Starting Nov. 29, the NARP hotline becomes a "900" number (July News); charges: \$2 for the first minute, \$1 each minute thereafter. (No charge if you hang up within the first 10 seconds. This includes message date and number so you can find out if you have already heard the current message.) We will continue to change messages around 5 pm ET Fridays; more often during "crises." For now, the number is available only to callers in 48 states.

Statement of Ownership, Management and Control
(Required by 16 C.F.R. § 312.2)

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Issue frequency: **Quarterly**
Annual subscription price: **\$10.00**
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39. I certify that the statements made by me above are correct and complete.

40. Name: **Tom Andrews**
Title: **Secretary of Transportation and Construction**

Lawsuit Endorsements

The packet distributed at NARP's news conference included statements from these organizations endorsing our lawsuit: Friends of the Earth, Institute for Transportation and Development Policy (Washington, DC), California Transit League (Sacramento), Committee for Better Transit Inc. (Long Island City, NY), Conservation Law Foundation of New England Inc., Northeast Sustainable Energy Assn. (Greenfield, MA), ASERT (Advocates for a Strong Economy with Responsible Transportation, of Bolton, MA, is leading the fight against a second Boston airport), Sierra Club Greater Boston Group, The Charles River Wheelman (West Newton, MA), Cambridge (MA) Citizens for Liveable Neighborhoods, Boston Area Bicycle Coalition, Committee for Regional Transportation Inc. (Boston), and Earthworks (Boston).

Lawsuit (continued from page 1)

Harriet Parcels, director of NARP's Campaign for New Transportation Priorities, also spoke on behalf of the 20 Campaign member organizations which endorsed a campaign resolution in favor of the rail link.

Cindy Hill Couture—the Goshen, MA, attorney specializing in environmental law who wrote NARP's complaint—was on hand to answer questions at the news conference; she, Capon, and NARP's Scott Leonard also spoke by telephone

NARP'S COMPLAINT

... charges defendants with violating Council of Environmental Quality regulations (for implementing the National Environmental Policy Act or NEPA) by failing to include in environmental impact statements (EIS's):

- consideration of non-highway alternatives, though the Final Supplemental EIS admits "better rail connections from Maine and eastern New Hampshire to areas south of Boston are desirable";
- either an evaluation of the North-South Station railroad link, or "any basis whatsoever" for the conclusion that this link is "technologically unfeasible";
- an analysis of the effect of foreclosing future construction of a North-South Station railroad connection (NARP says this violates Federal Highway Administration regulations); and
- consideration of the Central Artery Project's "indirect effects"—i.e., impact on highway congestion in Boston's suburbs and after the Year 2010, only 11 years after the Project's optimistic 1998 completion date.

NARP also charges Federal Highway Administration, in delegating to Massachusetts the authority to do the EIS, with not complying with relevant NEPA provisions: FHWA failed to do its own independent analysis of 'some fundamental areas of decision-making' covered in the EIS.

The NARP suit based on NEPA neatly complements the two other federal suits filed thus far: Sierra Club contends the stacks which would vent exhaust from the autos in the Central Artery tunnel violate the Clean Air Act; Conservation Law Foundation's broader suit, based primarily on Clean Air Act, described in Oct.-Nov. News.



NARP's Ross Capon announces lawsuit. At head table, from left: Sierra Club's Sue Edwards, Attorney Cindy Hill Couture, Harriet Parcels of NARP and Campaign for New Transportation Priorities, and Sara Nichols of the Clean Air Council (Philadelphia). At right: Robert H. Witten, Chief, Group W Radio's Washington Radio News Bureau; Boston's WBZ Radio and WBZ-TV Channel 4 both reported on the conference, as did Boston University's WBUR-FM.

with other reporters.

News stories appeared in *The Journal of Commerce* (Nov. 11), and on Nov. 5 in *The Washington Times*, *The Boston Globe*, *The Boston Herald*, *The Patriot-Ledger* (Quincy, MA), *The Union Leader*, (Manchester, NH), *The Portland Press Herald*, *The Times Record* (Brunswick, ME), *The Kennebec Journal* (Augusta, Maine's capital city), and *The Bangor News*.

American Public Transit Assn. featured our lawsuit in a front-page story in the Nov. 11 issue of APTA's weekly newspaper, *Passenger Transport*. The lawsuit rated 2 paragraphs in the Nov. 11 *Washington Letter on Transportation*, a \$295 a year weekly that is widely read by "inside-the-Beltway" transportation specialists.

Boston Globe columnist Jane Holtz Kay referred favorably to our lawsuit and to efforts to increase transit funding in the highway/transit reauthorization. Her Nov. 12 column ran under these headlines: "Smart choices, not foolish cars: Computerized roads or cars cannot alter a lifestyle and landscape that are economically costly and environmentally unsound."

(Contributions to support this lawsuit are needed and welcome—checks payable to NARP with "Boston Legal Fund" on memo line. Available from NARP: 33-page complaint, \$5; media kit distributed at news conference, \$5; newsclips reporting our lawsuit, \$4 except free if you enclose a copy of a newspaper article reporting our lawsuit but not listed above.) ■

LATE FLASH! The highway/transit reauthorization apparently includes \$250,000 for the Urban Mass Transportation Administration to study the feasibility of a cross-Boston rail link, thanks to the efforts of Sen. George J. Mitchell (D-ME). Hopefully, UMTA will do an in-house, in-depth study in close consultation with Amtrak.

