

Written Testimony of DJ Mitchell
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Before the House Committee on Appropriations
Subcommittee on Transportation, Housing and Urban Development
For a Hearing on “Stakeholder Perspectives: Passenger Rail Development”

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Good Morning Chairman Price, Ranking Member Diaz-Balart and Members of the Subcommittee. I am DJ Mitchell, the head of BNSF Railway's Passenger Operations for more than 20 years. I appreciate the opportunity to testify before the Subcommittee regarding the perspectives of stakeholders on passenger rail development in the United States.

Almost 10 years ago, then-BNSF CEO Matt Rose testified before this subcommittee about the interface between passenger and freight rail service operating on predominantly freight rail lines. I'd like to start with a brief look at what has changed in that time, and what has not.

What has changed is the freight volume growth on our network. A look at BNSF volumes over the past decade tells the story. BNSF set an all-time freight volume record in 2018. I would also highlight our substantial intermodal volume growth – how BNSF partners with trucking companies to reduce congestion on highway.

BNSF has about 1,500 trains a day on its system, including 254 passenger trains (12 are Amtrak long distance trains, 56 are Amtrak state supported trains, and 186 are weekday commuter trains.) To meet increasing freight demand, BNSF has made more than \$40 billion in capital investments in our railroad since 2009. Preserving and creating network capacity is very important to BNSF and in recognition of this, we have made significant investment in both. New track and facility construction increases capacity, but so does proper maintenance of existing facilities. At BNSF, we speak often of a “virtuous cycle” wherein we are able to grow our business and earn returns in order to reinvest in the network and, in turn, ensure that we continue to grow our business by serving our many customers. That's in the best interest of the country,

and the supply chain upon which every community in America depends, and our investment benefits all passenger trains on our freight rail network.

In addition to BNSF's investment, there has been public investment in BNSF's network in places where state-supported Amtrak corridors and commuter services operate, such as the San Joaquin Valley, the Pacific Northwest, the Los Angeles Basin, and Chicago to Galesburg, Illinois. In each case, and others not mentioned, states and local communities have availed themselves of the funding tools under the FAST Act, the TIGER/BUILD program and other Federal grant-in-aid programs to improve passenger service reliability and expand passenger service without adversely impacting freight capacity and operations.

None of these public investments happened by accident. They have been the product of BNSF's careful planning completed through a close working relationship with commuter agencies and the state DOTs that sponsor Amtrak state-supported routes, as well as with Amtrak itself. And in each case, they have been guided by BNSF's long-standing *Passenger Rail Principles*, which we submit with my testimony. These are the principles that BNSF applies to consider whether it can accommodate requested new or additional commuter or state-supported corridor service – or not.

Safety is always our first consideration, then first among equals is BNSF's requirement that no proposed passenger service “degrade BNSF's freight service, negatively affect BNSF's freight customers or BNSF's ability to provide them with service.” This means that BNSF must be provided the present and future capacity that the passenger service will take from the freight network. Where new or modified passenger services are contemplated, our planning horizons

extend well into the future, not unlike our colleagues on the highway side. Growth in freight service is also estimated, and the various passenger service options presented to us are modeled. We increasingly recognize that adding physical capacity for freight or passenger operations is not only extremely costly but, in some cases, very difficult if not impossible, given permitting-related challenges, especially in urban areas. This reality must also be taken into account.

BNSF recently testified before the National Transportation Safety Board (NTSB) about how it works with passenger rail entities to ensure safety in a joint use environment. The foundation of that proposition is the fundamental safety of BNSF's network created by BNSF's investment in the integrity of that network and our approach to risk identification, mitigation and elimination. We design-in safety and engineer out risk.

We are proud of our safety record. Our safety culture and practices have reduced both train accident and employee injury rates by 40 percent or more since 2000. But we always seek continuous improvement, and we believe that technologies will provide the "next gear" for achieving additional safety improvement. The Subcommittee may be aware that BNSF is a leader in the deployment of Positive Train Control (PTC). BNSF has fully deployed PTC facilities and equipment on its network. BNSF's PTC system is interoperable with Amtrak and is operating on all Amtrak and commuter lines hosted by BNSF that were mandated by the federal government.

What you may not know is that, in addition to the safety benefits of PTC, PTC essentially provides a "5 gig spine" from which BNSF can implement PTC 2.0 – increasingly automated

operational technologies that will provide for more efficient dispatching and train operations across the network. In addition, BNSF now has, and plans to significantly expand upon in the future, a suite of track, rail and equipment inspection technologies that are helping us improve not only safety, but improve overall maintenance planning for improved network velocity. We expect our technology vision to not only benefit safety, but enhance capacity and realize more return on our assets for reinvestment in the network.

So, returning to the theme of what's changed and what's the same – what's changed is that freight volumes have significantly increased, and there are more passenger operators on BNSF's network which have marshalled public investment consistent with BNSF's Passenger Rail Principles. What hasn't changed? Amtrak's long distance trains. They have priority access, but to an increasingly capacity constrained freight network, and pay only incremental costs and on-time performance incentives (which decrease, in part, because of congestion). It is true that on-time performance for long distance trains has gone down. And it is also true that a fast moving passenger train consumes multiple freight train slots.¹ In short, Amtrak finds itself operating priority long distance trains in a highly variable operating environment with little ability to help mitigate reliability and capacity constraints that impact its service.

¹ A long time rail blogger, Fred Frailey, took Amtrak's Empire Builder from Seattle to Chicago last fall. He noted that "BNSF appears totally committed to obedience of this law but doing so devours the capacity of this route. It's not just that freights give way; whizzing along at a 79 mph versus 55 or 60 for the freights, the *Empire Builder* eats capacity as if it were two or three freights, Six high-priority Z trains prowl the northern Transcon every day, and I don't think a single one of them that I observed was moving as we went by. One Z train was sandwiched between two stopped manifest trains, all making way for our *Builder*".*CITE*

What can be done to improve this situation? Amtrak and BNSF work closely on this matter every day and, while we may have differences about certain elements of long distance train scheduling, we most likely agree that the Subcommittee's inquiry into whether federal programs can make a difference is important. We are open to that conversation, and a larger discussion about the role of passenger rail in surface transportation, if Congress engages in that. Our dialogue will always be guided by BNSF's Passenger Rail Principles and protecting present and future freight network capacity requirements and access to present and future customers.

I appreciate the opportunity to engage in the Subcommittee's discussion of passenger rail development in the United States and I would be happy to answer any questions you have about the freight industry from BNSF's perspective.