

## Research Plan: Passenger Rail and Mobility Study

### Public Chapter 1114 and Public Chapter 1124

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Deputy Executive Director Approval: Initial: Date:

Executive Director Approval: Initial: Date:

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### Purpose

Research and provide recommendations regarding the potential for passenger rail service or other suitable transit alternatives linking the major cities in each of the grand divisions of the state; survey projects initiated over the past ten years involving the initiation of new state-sponsored Amtrak intercity/interstate passenger rail projects.

### Background

Public Chapter 1114, Acts of 2022, and Public Chapter 1124, Acts of 2022, require the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to study passenger rail and other transit alternatives. Public Chapter 1114 instructs TACIR to conduct a study and make recommendations regarding

- the potential for passenger rail service or other suitable alternatives for passenger mobility linking the major cities in each of the grand divisions of the state,
- including the alignment, condition, and ownership of tracks; defining an integrated network for intercity rail travel; and
- provide alternatives for intermodal connections between the affected airports and passenger rail services or other suitable alternatives for passenger mobility.

Public Chapter 1124 requires TACIR to collect information from at least three state departments of transportation that have successfully initiated or are in the process of initiating a new Amtrak intercity passenger rail service. This information must include the stakeholders involved, the process by which the new service was negotiated among the stakeholders, all costs related to establishing the new service, ridership estimates, and

other matters that will inform the general assembly of the successful launching of the surveyed service. Applicable costs to be included must consist of operational feasibility studies, rights-of-way, and property acquisitions, new and upgraded operations, passenger stations, equipment acquisition, and ongoing operational costs. The information concerning stakeholders will include state departments of transportation, host railroads, and Amtrak, as well as any state-created entities tasked with sponsoring and managing the new intercity passenger rail service.

According to the legislative sponsors, freedom of movement and an interconnected economy are important aspects of the quality of life for Tennesseans and our visitors, as well as the economic opportunities in Tennessee. Sponsors assert that when people can move freely between urban areas in Tennessee, it expands access to entertainment, shopping, and business venues, which has the potential to improve the quality of life of Tennesseans and expand the state's economy.

Additionally, sponsors feel it is important to explore feasible options to promote public mobility services as an amenity to bridge the gap between the traditional expectation of unfettered mobility and the modern constraints of transportation costs, congestion, negative environmental effects, and public health concerns. Sponsors assert that those states that look to the future with a clear vision of how to guarantee freedom of movement without limitations will be able to ensure their citizens and visitors maintain the access to goods and services they demand, while simultaneously protecting and enhancing both the economy and the quality of life within the state.

Yet, sponsors are concerned that as we look at ways to promote mobility, we must also ensure that we do not disrupt the movement of freight or cause any supply chain problems. Sponsors emphasize that the goal is to fulfill the foundational promise of freedom by providing modern-day services that bridge the gap caused by the high price of transportation, the cost of congestion, as well as the effects on public health and the environment.

The US Government Accountability Office (GAO) states that passenger rail provides a number of economic and quality-of-life benefits. For example, there is evidence that several large companies have chosen to locate along passenger rail corridors to draw on a larger workforce because transit promotes better mobility throughout the region. However, the GAO notes that there are considerable infrastructure and operational costs, which makes passenger rail more expensive to provide compared to some other transit modes. But, the GAO noted that if passenger rail service is provided in less urbanized communities with lower population density, this has the potential to require

governmental entities to subsidize operational costs where the ridership is not adequate to fund operational expenses.<sup>1</sup>

There are examples that show passenger rail has the potential to promote transit-oriented developments. For example, in August 2018, the Regional Transportation Authority of Middle Tennessee (RTA) opened its first transit-oriented development station on the *WeGo Star* commuter rail system in Lebanon, Tennessee. According to RTA officials, the Hamilton Springs transit-oriented development includes 13,000 square feet of retail space, 396 luxury apartments, and a 260-unit complex designated for senior residents. The \$4.1 million station was the region's first joint public-private transit development project where a private developer provided the federal match funding. Since 2018, an additional three hundred-plus apartment units have been constructed adjacent to the Hamilton Springs station, and the city's planning commission approved an additional 1,346 new housing units to be built within a mile of the station.<sup>2</sup>

In another example, according to Capital Metro officials, Metro Rail has been the catalyst for development in Austin, Texas, with the new construction of housing, entertainment centers, and businesses around multiple commuter rail stations. In particular, technology companies, such as Apple and Dell, have chosen to locate along with the commuter rail system. Capital Metro officials noted that development along the Metro Rail system has occurred near stations in both urbanized and less urbanized areas.<sup>3</sup>

Nashville Chamber of Commerce staff discussed their research on public transit in Middle Tennessee with TACIR staff on May 13, 2022. They stated the primary barriers to providing public transit are the lack of a dedicated funding source, limited resources for regional planning, insufficient right-of-way availability, and no governmental entity tasked with managing transit programs.

The federal government has recently provided funding that may support new passenger rail alternatives. On November 15, 2021, President Biden signed the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL) into law, which requires the Secretary of the US Department of Transportation to establish a

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<sup>1</sup> GAO. 2021. *Commuter Rail: Information on Benefits and Funding Challenges for Service in Less Urbanized Communities*. United States Government Accountability Office.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Corridor Identification and Development program to facilitate the development of intercity passenger rail corridors across the nation. The notice acknowledging this program was published in the Federal Register on May 13, 2022.<sup>4</sup>

### **Step 1. Define the Problem**

The high cost of personal transportation and congestion within Tennessee, as well as the surrounding states, have the potential to limit the mobility of Tennesseans and tourists, which may harm the quality of life and the economy in Tennessee.

### **Step 2. Assemble Some Evidence**

- Review referred legislation.
  - Review House Bill 2380 by Rep. Parkinson, Senate Bill 2343 by Senator Yager, as well as House Bill 2278 by Rep. Powell, and Senate Bill 2602 by Senator Campbell, along with related statutes and regulations to determine what the bill does.
  - Review committee hearings on the bill and summarize comments and concerns of committee members, the bill sponsors, and others speaking for or against the bill.
  - Interview the bill’s sponsors, proponents, and other stakeholders to determine what is driving this issue.
  - Review the fiscal note. Consult with Fiscal Review Committee staff and follow up with agencies submitting support forms to determine the estimated cost and the method and rationale for the estimates.
- Review relevant federal statutes and regulations.
- Review federal funding opportunities.
- Review similar laws or regulations in other states.
- Review passenger rail projects in other states over the past ten years.
- Review relevant literature and data sets.
- Interview stakeholders, such as
  - the Tennessee Department of Transportation,

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<sup>4</sup> US Department of Transportation, Federal Railroad Administration. “Establishment of the Corridor Identification and Development Program.” 87 Federal Register 93, 29432.

- the Tennessee Department of Tourist Development,
- the Tennessee Department of Economic and Community Development,
- the National Conference of State Legislators,
- the US Department of Transportation (FRA, FTA, FHWA),
- Amtrak,
- American Public Transportation Association,
- US Government Accountability Office, Stephen Sanford, Acting Managing Director, spel@gao.gov, (202) 512-4707,
- Regional Transit Authority of Middle Tennessee,
- Greater Nashville Regional Council and other Development Districts,
- Metropolitan Planning Organizations in Memphis, Nashville, Knoxville, and Chattanooga,
- Transit Alliance of Middle Tennessee,
- Nashville Chamber of Commerce,
- University of Memphis, Intermodal Freight Transportation Institute,
- Vanderbilt Center for Transportation and Operational Resiliency,
- University of Tennessee Center for Transportation Research,
- CSX,
- Norfolk Southern, and
- the Southeast Corridor Commission.

### **Step 3. Construct Alternatives**

Alternatives will be based on

- current law,
- proposed changes in the current law, and
- any additional alternatives drawn from the research and analysis in Step 2.

Each alternative will be described specifically enough to project outcomes in Step 5.

### **Step 4. Select Criteria**

- Cost

- Direct and indirect
- To state
- To local governments
- Businesses
- Individuals
- Effectiveness at solving the problem
- Estimate receptiveness of
  - State government
  - Local governments
  - General public
  - Other stakeholders

#### **Step 5. Project Outcomes**

- Estimate cost.
- Estimate the effectiveness.
- Estimate the acceptability to the state and local governments, the general public, and other affected stakeholders.

#### **Step 6. Confront Trade-offs**

- How will the differences between the current law and the other alternatives affect the public?
- What are the pros and cons of the potential solutions?

#### **Step 7. Decide which alternatives to present to the Commission**

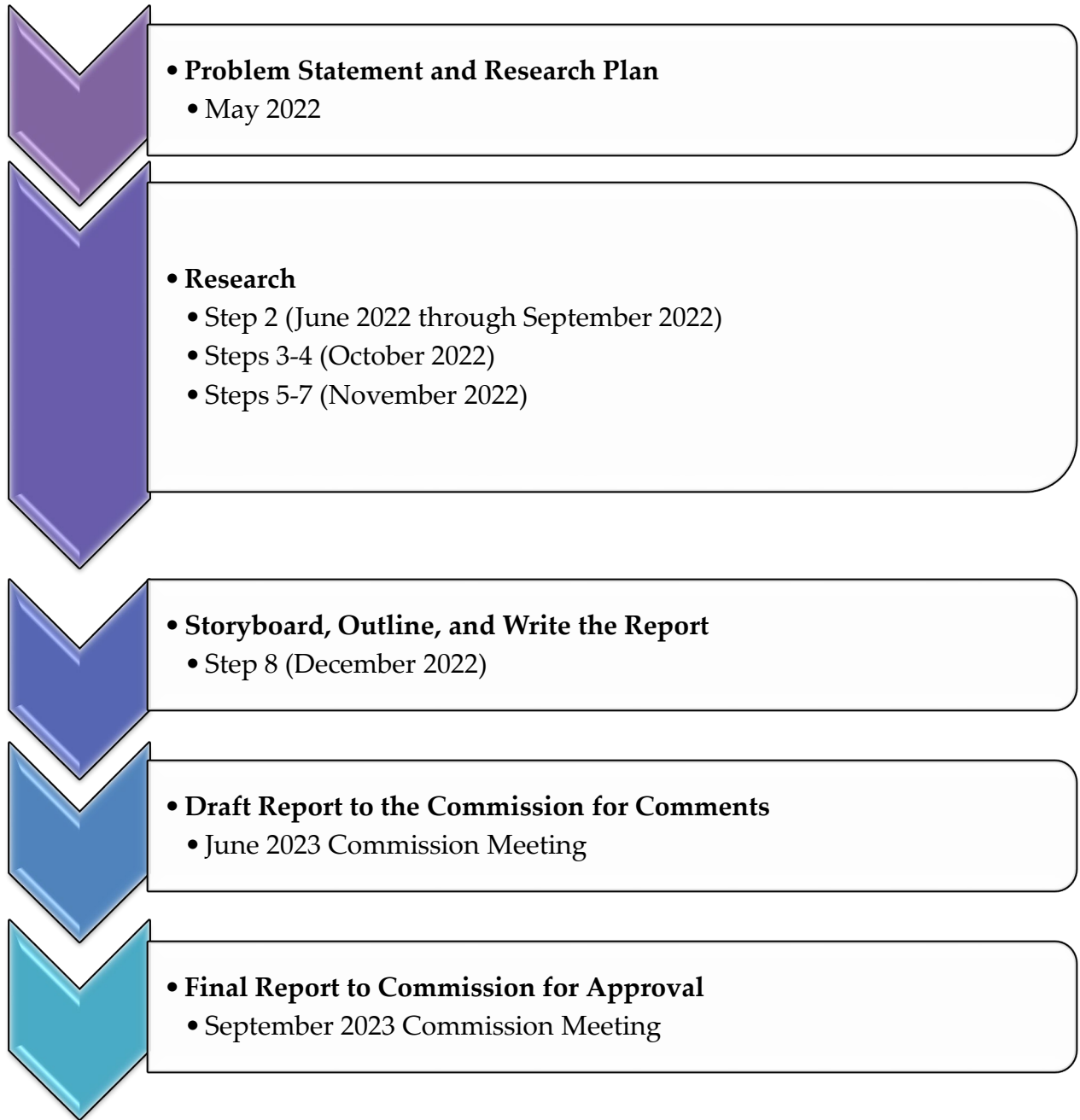
Based on the results of Step 6, choose the alternatives that most practically and realistically resolve the problem.

#### **Step 8. Produce the Draft Report**

Develop and present a draft for review and comment to the Commission.

**Revisit Steps 5 through 8.**

- Respond to feedback from Commission regarding outcome projections, trade-offs, and selection of alternatives.
- Revise and edit the draft to reflect the comments of the Commission.
- Submit final report to the Commission for approval.







# State of Tennessee

## PUBLIC CHAPTER NO. 1114

### SENATE BILL NO. 2343

By Yager, Akbari, Bailey, Massey, Reeves, Yarbro

Substituted for: House Bill No. 2380

By Parkinson, Windle, Beck, Hakeem, Casada, Ramsey, Chism, McKenzie, Byrd, Eldridge, Hodges, Freeman, Haston, Lamar, Potts, Mannis, Vaughan, White, Love, Miller, Harris, Cepicky, Thompson, Clemmons, Powell

AN ACT to amend Tennessee Code Annotated, Title 7; Title 9; Title 54; Title 55 and Title 65, relative to passenger rail transportation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) The Tennessee advisory commission on intergovernmental relations (TACIR) shall conduct a study and prepare a report on recommendations regarding the potential for passenger rail service linking the major cities in each of the grand divisions of the state.

(b)(1) The study and report must:

(A) Identify the alignment, condition, and ownership of tracks;

(B) Define an integrated network for intercity rail travel;

(C) Provide alternatives for intermodal connections between the affected airports and passenger rail services; and

(D) Survey projects initiated over the past ten (10) years involving the initiation of new state-sponsored Amtrak intercity passenger rail.

(2) In assembling the report, TACIR shall collect data from at least three (3) state departments of transportation that have successfully initiated or are in the process of initiating new Amtrak intercity passenger rail service.

(3) Information to be assembled must include, but not be limited to, the stakeholders involved, the process by which the new service was negotiated among the stakeholders, all costs related to establishing the new service, ridership estimates, and other matters that will inform the general assembly on successful launching of the surveyed service. Applicable costs to be included must consist of operational feasibility studies, rights-of-way and property acquisitions, new and upgraded operations, passenger stations, equipment acquisition, and actual or anticipated operational and ongoing costs. Information concerning stakeholders shall not only include state departments of transportation, host railroads, and Amtrak, but also state-created entities tasked with sponsoring and managing the new Amtrak intercity passenger rail service.

(c) All appropriate state departments and agencies shall provide assistance to TACIR in connection with the study required by subsection (a).

(d) On or before July 1, 2023, TACIR shall report its findings and recommendations, including any proposed legislation, regarding the potential for passenger rail service and projects initiated over the past ten (10) years involving the initiation of new state-sponsored Amtrak intercity passenger rail to the chair of the transportation committee of the house of representatives, the chair of the transportation and safety committee of the senate, and the legislative librarian.

SENATE BILL NO. 2343

PASSED: April 27, 2022

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1<sup>st</sup> day of June 2022

  
BILL LEE, GOVERNOR



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 1124**

### **SENATE BILL NO. 2602**

**By Campbell, Lundberg, Gilmore, Massey, Yarbro**

Substituted for: House Bill No. 2278

By Powell, Hakeem, Crawford, Marsh, Bricken, Baum, Windle, Hodges, Mannis, Terry, Chism, Curtis Johnson, White, Stewart, Hazlewood, Sparks, Shaw, Jernigan, Gillespie, Hurt, Whitson, Vital, Camper, Thompson, Gloria Johnson, Clemmons, Eldridge, Ragan, Cepicky

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 10; Title 4, Chapter 23; Title 7; Title 9; Title 54; Title 55; Title 64 and Title 65, relative to passenger rail transportation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 10, is amended by adding the following as a new section:

(a)(1) The Tennessee advisory commission on intergovernmental relations (TACIR) is directed to prepare a report surveying projects initiated over the past ten (10) years involving the initiation of new state-sponsored Amtrak intercity passenger rail.

(2) In assembling the report, TACIR shall collect data from at least three (3) state departments of transportation that have successfully initiated or are in the process of initiating new Amtrak intercity passenger rail service.

(3) Information to be assembled must include, but not be limited to, the stakeholders involved, the process by which the new service was negotiated among the stakeholders, all costs related to establishing the new service, ridership estimates, and other matters that will inform the general assembly on successful launching of the surveyed service. Applicable costs to be included must consist of operational feasibility studies, rights-of-way and property acquisitions, new and upgraded operations, passenger stations, equipment acquisition, and actual or anticipated operational and ongoing costs. Information concerning stakeholders shall not only include state departments of transportation, host railroads, and Amtrak, but also state-created entities tasked with sponsoring and managing the new Amtrak intercity passenger rail service.

(b) All appropriate state departments and agencies and regional transportation authorities shall provide assistance to TACIR in connection with the report required by subsection (a).

(c) Upon conclusion of its report, TACIR shall transmit a copy of its report, including its findings and recommendations and any proposed legislation or interim reports, to the chair of the transportation committee of the house of representatives, the chair of the transportation and safety committee of the senate, and the legislative librarian.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2602

PASSED: April 27, 2022

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1<sup>st</sup> day of June 2022

  
BILL LEE, GOVERNOR