

**Senate Ways and Means Committee Hearing on FORWARD**  
**Feb 18 & 19, 2020 Rm 548-S, Capital building, Topeka, KS**  
**Testimony**

1. The Northern Flyer Alliance speaks today in full support of FORWARD, known as House Bill 2588 and Senate Bill 375. We especially are supportive of its clearly identified and first-ever inclusion of passenger rail program development, including the Heartland Flyer Extension and the maintenance of its partner long distance corridor, the Southwest Chief.

**BACKGROUND:**

The Northern Flyer Alliance is a not-for profit league of community organizations, city councils, county commissions, and citizens dedicated to intercity passenger rail expansion between Fort Worth and Kansas City along a corridor connecting Oklahoma City, Wichita and Topeka and more than a dozen cities.

The governing boards of the Northern Flyer Alliance and its partner the Friends of the Northern Flyer Alliance act as the agent, advocate and legislative lobby for more than multiple city councils, community and civic organizations in two states. The Alliance coordinates the efforts on behalf of its members through education, legislation, commission of studies, planning, conferences, public events and programs.

The Northern Flyer Alliance (NFA) traces its origins back to 2007 and to a series of public forums organized by a group of founding members that brought together public officials and members of the public to discuss intercity passenger rail development in response to widespread public interest. The NFA took on the task of representing this interest and conveying formal requests received from city councils and organizations in the form of resolutions, petitions, formal letters and related forms of requests to state and federal officials. During this process the Northern Flyer Alliance was formally organized as a not-for profit 501c4 lobbying organization, and shortly thereafter, the Friends of the Northern Flyer Alliance (FNFA) formed as a 501c3 educational organization. Together the NFA and FNFA are able to continue their mission and objective to expand intercity passenger rail service been Oklahoma City, OK and Newton, KS.

**Over the last 5 years the Alliance was grown from a few cities and members into an influential organization that has sponsored dozens of public meetings and annual conferences. Its members have spearheaded grass roots advocacy of constituents to state legislators, drafted legislation that created the Kansas Passenger Rail Program Act of 2010, secured major grants for planning and development studies, advised and assisted the departments of transportation in several states, and have helped moved the initiative from an idea to the current stage of development.**

2. NFA requests that the legislative resolution (RS-????) be approved in both the House and the Senate, and distributed to the Kansas Congressional Delegation as well as the USDOT Secretary of Transportation, Elaine Chau.

On January 22 of this year, Senator McGinn held a Passenger Rail Luncheon in this room. Of the many featured speakers, of special note was the presentation of Ray Lang, Senior Director, Government Affairs at Amtrak. Ray spoke of the desire and perhaps necessity of Amtrak to request 100% funding for the development of the Heartland Flyer Extension in the 2020 Reauthorization Bill, presumably due to

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pre-released information from BNSF who is currently performing a final cost study of the extension to Newton, KS.

This Resolution will make sure Kansas' entire Congressional delegation is aware of the state's desire to partner with Amtrak in its endeavor to obtain 100% federal funding for this important extension into Kansas.

As the Resolution states, numerous studies by Universities in Texas and Kansas have determined the economic benefit of Amtrak's Heartland Flyer passenger rail service and its Extension to be at least 3 to 1 for every dollar spent.

According to studies already completed, an additional 200,000 people will ride the Heartland Flyer once it is extended to Newton where it will connect with the Southwest Chief. Therefore, Amtrak views the Heartland Flyer Extension as vital to the long term viability of the Southwest Chief.

Moreover, Amtrak will only seek federal funding for states that demonstrate an interest in expanded passenger rail. Therefore, passage of this Resolution along with FORWARD will demonstrate that desire and interest.

3. NFA requests that appointments be made to the Kansas Rail Advisory Committee as provided in K.S.A. 75-5043.

This was a Kansas Statute that passed into law all the way back in 1991. While not implemented in recent memory, this Rail Advisory Committee was designed to advise the Secretary of Transportation on rail and passenger rail related issues. This will be important as Kansas pursues a passenger rail program for the first time in its history.

4. NFA also requests that the Kansas Legislature recognize that the Kansas Department of Transportation was authorized to coordinate with the States of Texas and Oklahoma for an extension of the Heartland Flyer with connection to the Southwest Chief by way of passage of the Passenger Rail Program Act of 2010, formerly known as Senate Bill 409.

Senate Bill 409 became law in March, 2010. It was an Act establishing the passenger rail service program in Kansas. Section 1(b)(1) states that the Secretary of Transportation may enter into agreements with Amtrak, other rail operators, local jurisdictions and other states for the purpose of developing passenger rail service, serving Kansas and other states interconnected or positioned on a current or proposed route.

**SENATE BILL No. 409**

By Committee on Ways and Means

1-21

9 AN ACT establishing the passenger rail service program; providing for  
10 powers and duties of the secretary of transportation; establishing the  
11 passenger rail service revolving fund.

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) The secretary of transportation is hereby authorized to  
14 establish and implement a passenger rail service program.

15 (b) The secretary of transportation may, as part of such passenger rail  
16 service program, do the following:

17 (1) Enter into agreements with Amtrak, other rail operators, local  
18 jurisdictions and other states for the purpose of developing passenger rail  
19 service, serving Kansas and other states interconnected and positioned  
20 on a current or proposed route. The agreements may include any of the  
21 following provisions:

22 (A) Cost-sharing agreements associated with initiating service, capital  
23 costs, operating subsidies and other costs necessary to develop and main-  
24 tain service; or

25 (B) joint powers agreements and other institutional arrangements as-  
26 sociated with the administration, management and operation of passenger  
27 rail service.

28 (2) Provide assistance and enter into agreements with local jurisdic-  
29 tions along the proposed route of a midwest regional rail system devel-  
30 opment or other passenger rail service operations serving Kansas to en-  
31 sure that rail stations and terminals are designed and developed in  
32 accordance with the following objectives:

33 (A) To meet safety and efficiency requirements outlined by Amtrak  
34 and the federal railroad administration;

35 (B) to aid intermodal transportation; and

36 (C) to encourage economic development.

37 (3) Provide loans or grants as provided under the provisions of sub-  
38 section (c).

39 (c) (1) The secretary of transportation is hereby authorized to make  
40 loans or grants to passenger rail service providers for the following  
41 purposes:

42 (A) To provide assistance for the restoration, conservation, improve-  
43

1 ment and construction of railroad main lines, branch lines, switching  
2 yards, sidings, rail connections, intermodal yards, highway grade separa-  
3 tions and other railroad related improvements;

4 (B) for rail economic development projects that improve rail facilities,  
5 including the construction of branch lines, sidings, rail connections, in-  
6 termodal yards, stations, equipment defined as locomotives and rolling  
7 stock, including passenger coaches and other rail-related improvements  
8 that spur economic development and job growth; and

9 (C) costs associated with the initiation, operation and maintenance of  
10 passenger rail service.

11 (2) Passenger rail service providers, who desire assistance in the form  
12 of a loan or grant under this section, shall submit an application to the  
13 secretary of transportation. Applications shall be in such form and shall  
14 include such information as the secretary of transportation shall require  
15 and shall be submitted in a manner and at a time to be determined by  
16 the secretary of transportation.

17 (3) Such loans or grants shall be made upon such terms and condi-  
18 tions as the secretary of transportation may deem appropriate, and such  
19 loans or grants shall be made from funds credited to the passenger rail  
20 service revolving fund.

21 (4) The passenger rail service revolving fund is hereby established in  
22 the state treasury which shall be for the purposes established under sub-  
23 section (c)(1). The secretary of transportation shall administer the pas-  
24 senger rail service revolving fund. All expenditures from the passenger  
25 rail service revolving fund shall be made in accordance with appropriation  
26 acts upon warrants of the director of accounts and reports issued pursuant  
27 to vouchers approved by the secretary of transportation or by a person or  
28 persons designated by the secretary.

29 The secretary of transportation shall remit to the state treasurer, in  
30 accordance with the provisions of K.S.A. 75-4215, and amendments  
31 thereto, all moneys received by the secretary pursuant to this act. Upon  
32 receipt of each such remittance, the state treasurer shall deposit the entire  
33 amount in the state treasury to the credit of the passenger rail service  
34 revolving fund.

35 (5) The management and investment of the passenger rail service  
36 revolving fund shall be in accordance with K.S.A. 68-2324, and amend-  
37 ments thereto. Notwithstanding anything to the contrary, all interest or  
38 other income of the investments, after payment of any management fees,  
39 shall be considered income of the passenger rail service revolving fund.

40 (d) As part of the annual report required under K.S.A. 68-2315, and  
41 amendments thereto, the secretary of transportation shall report on the  
42 development and operation of the midwest regional rail system and the  
43 state's passenger rail service program.

1 (e) It is the intent of the state legislature that the enactment of this  
2 act shall not affect the terms or duration of railroad assistance agreements  
3 entered into under legislation enacted before the effective date of this  
4 act.

5 (f) As used in this section “passenger rail service” means long-dis-  
6 tance, intercity and commuter passenger transportation, including the  
7 midwest regional rail system development which is provided on railroad  
8 tracks.

9 (g) The secretary of transportation may adopt rules and regulations  
10 for the purpose of implementing the provisions of this section.

11 Sec. 2. This act shall take effect and be in force from and after its  
12 publication in the Kansas register.

Resolution No. :

**A RESOLUTION OF SUPPORT BY THE KANSAS LEGISLATURE FOR THE EXTENSION OF AMTRAK PASSENGER RAIL SERVICE BETWEEN OKLAHOMA CITY, OKLAHOMA AND NEWTON, KANSAS**

WHEREAS, numerous studies by Universities in Texas and Kansas have determined the economic benefit of Amtrak's Heartland Flyer passenger rail service and its Extension to be at least 3 to 1 for every dollar spent; and,

WHEREAS, in 2010 the State of Kansas passed legislation authorizing a State Passenger Rail Program; and,

WHEREAS, the Department of Transportation for the State of Kansas has been the recipient of several Federal TIGER grants that have improved the tracks of the Southwest Chief, serving multiple communities in Kansas, which has laid the groundwork for the planning and development of expanded passenger rail services; and,

WHEREAS, the Department of Transportation for the State of Kansas has introduced the new FORWARD Kansas transportation plan which includes the development of the Heartland Flyer Extension from Oklahoma City, OK to Newton, KS, and,

WHEREAS, ridership on the Heartland Flyer Extension to Newton, KS from Oklahoma City, OK is anticipated to more than double with a connection to the Southwest Chief in Newton, KS; fully funded maintenance of the Southwest Chief is an integral and vital component of the Heartland Flyer Extension and a critical additional funding request of the Reauthorization Act of 2020.

WHEREAS, AMTRAK has approached the State of Kansas to enter into a multi-state operational partnership for an extended Heartland Flyer with connecting service between Amtrak's Southwest Chief and Texas Eagle, and,

WHEREAS, the Kansas Governor's budget has dedicated funds to do preliminary work for the development of additional passenger rail service; and,

WHEREAS, the **Kansas Legislature** recognizes that one of the primary responsibilities of state government is to plan for the immediate and long-term transportation needs of the state; and,

WHEREAS, the **Kansas Legislature** recognizes the economic, environmental and quality of life benefits that passenger rail service generates for the state and region; and,

WHEREAS, the **Kansas Legislature** also recognizes the extensive capital expenditures necessary for restoration of this connection between Newton, KS, Wichita, KS and Oklahoma City, OK; and,

WHEREAS, **the Kansas Legislature** is aware the 2020 federal Reauthorization Bill (formerly known as FAST ACT) will likely be funded; and,

WHEREAS, Amtrak has presented to the 2020 **Kansas Senate Ways and Means Committee** a plan to request 100% federal funding for the passenger rail development known as the Heartland Flyer Extension through the next Reauthorization Bill,

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**NOW THEREFORE LET IT BE RESOLVED:**

.....That this body endorses the extension of Amtrak service between Oklahoma City, Oklahoma to Newton, Kansas.

.....That this body urges this state's Congressional delegation to support the inclusion of 100% federal funding for the full implementation and development of the Heartland Flyer Extension from Oklahoma City, OK to Newton, KS in the upcoming Reauthorization Bill.

.....That this body urges this state's Congressional delegation to support the inclusion of full federal funding for maintenance of the Southwest Chief in the upcoming Reauthorization Bill.

.....That this body endorses a multi-state partnership between Amtrak and the states through which the service will operate.

.....That this Resolution be immediately transmitted to each member of this state's Congressional delegation.

.....That this Resolution be immediately transmitted to Secretary Elaine Chau, U.S. Department of Transportation.

This Resolution will be in full force and effect from its date of passage by the KANSAS LEGISLATURE FOR THE STATE OF KANSAS, PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2020.