

**NOMINATION TO THE AMTRAK BOARD  
OF DIRECTORS AND THE SURFACE  
TRANSPORTATION BOARD**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 7, 2022

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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# **NOMINATION TO THE AMTRAK BOARD OF DIRECTORS AND THE SURFACE TRANSPORTATION BOARD**

**WEDNESDAY, SEPTEMBER 7, 2022**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:03 a.m., in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, Chair of the Committee, presiding.

Present: Senators Cantwell [presiding], Blumenthal, Baldwin, Tester, Hickenlooper, Wicker, Fischer, and Moran.

## **OPENING STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON**

The CHAIR. Good morning, everyone. The U.S. Committee on Commerce, Science, and Transportation will come to order. I am pleased to welcome Amtrak and Surface Transportation Board nominees and their families here today.

You are all here at a particularly challenging time for both passenger rail and freight rail in our country, but we have great promise for the future and investment. Amtrak is a central transportation provider for communities across the Nation. From the Northeast Corridor to the Pacific Northwest, Amtrak connects rural and urban communities in an environmentally friendly way.

Passenger rail burns 83 percent fewer greenhouse emissions than driving and up to 73 percent fewer emissions than flying. And Amtrak is facing historical challenges but also opportunities which can help Amtrak expand its services and help meet those passenger demands of the future.

The railroad is still recovering from the COVID-19 pandemic. And its peak Amtrak ridership was down 97 percent due to COVID-19. Thankfully, ridership has significantly recovered from that point and is projected to be at 70 percent of pre-pandemic levels this year. However, Amtrak still struggles to restore routes where service was reduced during the pandemic.

This includes the Amtrak Cascades route, which will have service partially restored from Seattle to Vancouver, British Columbia, later this month, but it needs to be brought back to full pandemic—pre-pandemic service levels. I can't tell you how important this is for the economy of our region.

Additionally, the infrastructure law provided \$66 billion investment in rail, with \$22 billion going to Amtrak to purchase new rail

cars and improve stations, and upgrade tracks to enhance the passenger experience, and improve reliability.

Ensuring these funds are managed wisely will be the responsibility of Amtrak Board nominees here today. Each nominee has a unique set of skills and experiences that will help guide Amtrak to meet the challenges of today and the future. The nominees before us today are Anthony Coscia—is that—am I saying that correct, Coscia? Thank you. Who has served on the Amtrak Board since 2010 and is currently Chair of the Board.

Mr. David Capozzi, who is Former Director of U.S. Access Board and will ensure Amtrak is meeting its responsibilities to provide quality service to people with disabilities. Mr. Chris Koos, who was nominated for this role last Congress and currently serves as Mayor of Normal Illinois, which is served by Amtrak's Cardinal route.

And Mr. Samuel Lathem, who was the first African American to be elected to the President of the Delaware State AFL-CIO and currently serves on the Board of the Delaware River Bay Authority. And Ms. Robin Wiessmann, who currently serves as the Executive Director of the Pennsylvania Housing Finance Agency.

Last, Mr. Robert Primus has been renominated as the member of the Surface Transportation Board. This Surface Transportation Board provides critical roles in overseeing our freight rail industry, which is currently struggling with nationwide service issues caused by pandemic issues of disruption, increased freight demand, and labor shortages. It is essential that our freight rail system become a resilient system, able to meet the demands of today and the future.

Freight shipments are expected to increase by 10 percent by 2030, and by 43 percent by 2050. However, at a time of increasing freight volumes, rail industry shipment volumes fell 3.2 percent in June of this year, in large part due to service issues. These service issues have impacted everyone from grain growers in my State, or grain growers in the Midwest sending grain to the West Coast, to residents of Snohomish and Skagit and Island Counties who struggle with shipping issues themselves.

So the Surface Transportation Board has to work with the railroads to reverse these trends, and to make sure that we have the staffing to make sure the system can deliver the services it is scoped to do.

Thankfully, Mr. Primus has already proven himself to be an effective Board member over the past 2 years and has worked to ensure that disputes between shippers and railroads are handled fairly and transparency while pushing the Board to meet the rail industry's present day challenges.

So I look forward to hearing from all the nominees about the challenges we face in our rail transportation and meeting the needs of the American people. I will now turn to my colleague, Senator Wicker, for his opening statement.

**STATEMENT OF HON. ROGER WICKER,  
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Well, thank you, Madam Chair. And let me say that I agree with every word you just said, and I am tempted to

yield back, but I will not. You could have mentioned Gulf Coast Rail, but I know how supportive you have been—

The CHAIR. Absolutely.

Senator WICKER. So, thank you so much for your leadership. We are glad to have five nominees before us to serve on the Amtrak Board of Directors and one nominee to serve on the Surface Transportation Board.

For the Amtrak Board, the Committee is considering four new individuals, according—along with current Board Chairman Anthony Coscia, who has been nominated for a third term. Additionally, Mr. Robert Primus has been nominated for another term as a member of the Service Transportation Board.

Our Chair has courageously pronounced all of the other names and I will not try to improve on that. The bipartisan infrastructure law, as the Chair just said, provided \$22 billion in advanced appropriations to Amtrak over the next 5 years, with the opportunity to apply for billions more in competitive grants. Might I also say that the billions for rail at large will also benefit Amtrak, as the Chair well knows.

I expect members of this committee will want to know how Amtrak will use the significant funding available to it to address its operations, particularly the national network. My top priority for Amtrak continues to be the long awaited restoration of passenger rail service along the Gulf Coast.

Mississippians have not had passenger rail service along the Gulf Coast since Hurricane Katrina devastated our state in 2005. I commemorated the anniversary of Katrina just a few days ago in the Gulf Coast of Mississippi, in the beautiful City of Ocean Springs, Mississippi.

As communities on the Gulf Coast are still recovering from the storm, 17 years later, restoration of rail, of a passenger rail service will be a major step in completing this recovery. Unfortunately, the prolonged delay in restoration of passenger rail has moved this matter from negotiation to litigation, as our panelists are aware.

In March of last year, Amtrak petitioned the Surface Transportation Board for access to the rail line between New Orleans and Mobile. The law favors this petition. But protracted litigation benefits no one, in my judgment. I had hoped to see this matter resolved by mutual agreement by this point in time.

It is a proven fact that freight and passenger rail service can co-exist and thrive when the operators work together. This has been the statutory model for 51 years. Additionally, when considering the historic levels of funding in the bipartisan infrastructure law available to Amtrak and the freight railroads, we are in a position to restart this service very soon, very soon.

I want to hear from the nominees regarding their commitment to restoring passenger rail service along the Gulf Coast. The Committee also has the chance today to discuss matters within the Surface Transportation Board's jurisdiction. The Board has extensive authority to regulate railroad operations and business practices.

In the past 2 years, the Board has been notably active in pursuing several regulatory initiatives related to supply chain challenges, railroad mergers, and passenger rail service. In May, Chairman Oberman testified that the Board has the authority it needs

to conduct effective oversight in response to the present challenges facing the rail industry.

I know Mr. Primus and his colleagues are hard at work to resolve several pending matters, including Amtrak's Gulf Coast petition. And I appreciate his and his colleagues' efforts. I thank each of the nominees today for their willingness to serve and for their testimony before the Committee today. Thank you, Madam Chairman.

The CHAIR. Thank you, Senator Wicker. And we will now hear from our various nominees, starting with you, Mr. Capozzi. Thank you.

**STATEMENT OF DAVID M. CAPOZZI, NOMINEE TO BE A  
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Mr. CAPOZZI. [Technical problems]—Senator Hickenlooper, Senator Blumenthal, I am honored to be with you today as one of President Biden's nominees for Amtrak's Board of Directors. I am the first person nominated to fulfill the requirement in the Infrastructure Investment and Jobs Act, that Amtrak's Board include at least one individual with a disability who has experience with accessibility issues.

I am the right person for the job. For over 35 years, I have worked to make rail transportation more accessible for people with disabilities. I was a member of the legal team for the disability community that helped Congress craft the Americans with Disabilities Act, and I testified in support of its passage. Following the ADA's enactment, I chaired the Department of Transportation's Advisory Committee, created to help develop DOT's ADA regulations.

I served as National Advocacy Director for the Paralyzed Veterans of America and was Vice President of advocacy for Easterseals. While at Easterseals, I managed Project Action, a Congressionally created program to promote cooperation between the disability community and the transportation industry to improve access to transportation for people with disabilities.

In 1992, I joined the Access Board, the Federal agency whose mission is accessibility for people with disabilities. I served as its Executive Director from 2008 until my retirement from Federal service in 2020. And while at the Access Board, I led the development of accessibility guidelines and standards to implement the ADA and other laws, including creating and updating accessibility guidelines for fixed guideway systems including intercity rail.

If confirmed, I will bring my many years of experience, both outside and within the Federal Government, to the Amtrak Board. And during my career, I have developed positive relationships with a wide range of transit and disability organizations.

I will use my experience and relationships to help ensure that Amtrak makes accessibility one of its highest priorities. The ADA provided 20 years to 2010 for Amtrak to make its stations accessible. But Amtrak missed the deadline.

Only about a quarter of the nearly 400 stations where Amtrak has, or shares ADA responsibility, currently comply with accessibility standards. As part of a 2020 settlement with the Department of Justice, Amtrak made commitments to bring these stations into

compliance. My understanding is that Amtrak plans to spend about \$1 billion over the next 6 years to achieve that goal.

And over the next 10 years, Amtrak intends to replace the majority of its existing passenger rail car fleet. Since rail cars often have a service life of 40 years or more and cannot be easily modified, it is important that the new equipment be designed and manufactured to optimize accessibility.

And thanks to you and others in Congress, there are now unprecedented levels of funding for Amtrak, making this a critical time for advancing the vision of an expanded and improved intercity rail network. I am particularly excited to be nominated now to Amtrak's Board to help it achieve this vision and in satisfying Amtrak's ADA obligations.

In closing, if confirmed, my focus will be providing leadership and attention in fulfilling Amtrak's ADA obligations and in meeting the DOJ settlement agreement terms. Serving on Amtrak's Board would provide me the opportunity to advance the implementation of the laws, regulations, and standards I have spent my entire career helping to develop, and to be part of the team that helps to enable individuals with disabilities to travel without obstacles wherever they want to go by Amtrak.

Thank you for your consideration of my nomination. I will be happy to answer any questions. And if confirmed, I look forward to working cooperatively with you and the other members of the Committee. Thank you.

[The prepared statement and biographical information of Mr. Capozzi follow:]

PREPARED STATEMENT OF DAVID M. CAPOZZI, NOMINEE TO BE A DIRECTOR,  
AMTRAK BOARD OF DIRECTORS

Chair Cantwell, Ranking Member Wicker, distinguished members of the Committee, my name is David Capozzi. I am honored to be here with you today as a nominee for Amtrak's Board of Directors. As you know, if confirmed, I will be the first person to fulfill the requirement included in the Infrastructure Investment and Jobs Act, or IIJA, that Amtrak's Board include "at least 1 individual . . . with a disability . . . who has a demonstrated history of, or experience with, accessibility, mobility and inclusive transportation in passenger rail or commuter rail."

I am the right person for the job. I have worked to make rail transportation more accessible to individuals with disabilities for over 35 years. I was a member of the legal team for the disability community that helped Congress craft the Americans with Disabilities Act, or ADA, and testified in support of its passage before the House Committee on Public Works and Transportation. Following the ADA's enactment, I chaired the committee formed by the Urban Mass Transit Administration, the predecessor of today's Federal Transit Administration, which developed the Department of Transportation's proposed rule to implement the ADA.

I served as National Advocacy Director for the Paralyzed Veterans of America and Vice President of Advocacy for Easterseals. While at Easterseals, I managed Project ACTION, a congressionally created program to promote cooperation between the disability community and the transportation industry to improve access to transportation for people with disabilities.

In 1992, I joined the Access Board, the Federal agency whose mission is accessibility for people with disabilities. I served as its Executive Director from 2008 until my retirement from Federal service in 2020. During my time at the Access Board, I led the development of guidelines and standards to implement the ADA and other Federal laws. This included updating accessibility guidelines that apply to fixed guideway systems, including rapid, light, commuter, intercity, and high-speed rail.

I will bring to the Amtrak Board my many years of experience, both outside and within the Federal government. During my career, I developed positive relationships with a wide range of groups representing the transit and disability communities. I

will also bring my passion for ensuring that Amtrak makes accessibility one of its highest priorities.

There are now unprecedented levels of funding for Amtrak and intercity passenger rail that Congress provided in the IIJA, making this a critical time for advancing the vision of an expanded and improved intercity passenger rail network. As one who shares that vision, I am particularly excited to be nominated to Amtrak's Board, in this moment, to aid its success and help fulfill Amtrak's ADA obligations.

Only about a quarter of the nearly 400 stations Amtrak has or shares ADA responsibility currently comply with the ADA. As part of a 2020 settlement with the Department of Justice, Amtrak made commitments to bring these stations into compliance. My understanding is that Amtrak plans to spend \$900 million over the next five years to achieve that goal.

Over the next ten years, Amtrak intends to replace or initiate procurements to replace the majority of its existing passenger equipment fleet. Since passenger railcars often have a service life of 40 years or more and cannot be easily modified, it is important that the new equipment is designed and manufactured to optimize accessibility. Again, I intend to ensure that happens.

As a member of Amtrak's Board, one of my areas of focus would be in providing leadership and attention in fulfilling Amtrak's obligations under the ADA and the DOJ settlement agreement and working to secure the appropriate levels of funding for that purpose.

Serving on Amtrak's Board of Directors would provide me the opportunity to oversee Amtrak's implementation of the laws, regulations, and guidelines I spent my career helping to develop and to be part of the team that helps enable individuals with disabilities travel without obstacles wherever they want to go by Amtrak.

Thank you for your consideration of my nomination. I will be happy to answer any questions and if confirmed I look forward to working cooperatively with the committee.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): David Michael Capozzi.
2. Position to which nominated: Amtrak, Board of Directors, Member.
3. Date of Nomination: April 29, 2022.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Address: Information not provided.
5. Date and Place of Birth: February 23, 1958; Buffalo, NY.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Patricia Susan Capozzi; Paraeducator; Montgomery County Public Schools;  
 David Matthew Capozzi, 31; Megan Marie Capozzi, 27; Margaret Ann Capozzi,  
 27; Michael Elias Capozzi, 27.
7. List all college and graduate degrees. Provide year and school attended.  
 State University of New York at Buffalo  
 Faculty of Social Sciences  
 Bachelor of Arts—May 1982  
 State University of New York at Buffalo  
 Faculty of Law and Jurisprudence  
 Juris Doctor—May 1985
8. List all post-undergraduate employment and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
 U.S. Access Board  
 Executive Director  
 November 2008–June 2020  
 U.S. Access Board  
 Director, Technical and Information Services  
 April 1992–November 2008  
 National Easter Seal Society  
 Vice President for Advocacy and Director of Project ACTION

July 1989–April 1992  
 Paralyzed Veterans of America  
 National Advocacy Director  
 June 1987–July 1989  
 Paralyzed Veterans of America  
 Associate Advocacy Director  
 June 1985–June 1987

9. Attach a copy of your résumé.  
 See Attached

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- Board of Directors, United Spinal Association, New York, New York. July 2020 to present.
- Advisory Committee Member, Mobility Fitness, Atherton, California. July 2020 to present.
- Accessibility Professionals in the Built Environments Task Force Member, International Association of Accessibility Professionals, Atlanta, Georgia. July 2020 to present.
- Program Committee Member, Access Living, Chicago, Illinois. September 2020 to present.
- Advisory Council Morphic (making personal computers easier to use for everyone, including those with disabilities), College Park, Maryland. June 2021 to present.
- Biden-Harris Policy Volunteer. August–October 2020.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

I've been a member of United Spinal Association since June 2013. In June 2020 I was elected to their Board of Directors.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with, and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

Biden-Harris Policy Volunteer. August–October 2020.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- Honorary Member of the Kiosk Hall of Fame. February 2022.
- 2020 Service to the Citizen Award winner. The award recognizes those public servants who demonstrate excellence in their delivery of services that impact the public's lives. September 2020.
- Received an award in Vienna, Austria from the Zero Project (focused on the rights of persons with disabilities globally) recognizing my longstanding cooperative efforts with the European Commission to harmonize global ICT accessibility standards. February 2016.

- National Advocate Award, Project ACTION, May 1992.
- Advocate Award, Access to the Skies Program, January 1992.
- People Who Make a Difference, National award sponsored by Helene Curtis, April 1991.
- Summa Cum. Laude
- Phi Beta Kappa
- Alpha Lambda Delta National Honor Society
- Psychology Departmental Honors

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

See below for chapters in books, testimony, and speeches, videos, and articles.

#### **Books**

Capozzi, D. and Cannon D. (1995). Transportation Accessibility. In the Encyclopedia of Disability and Rehabilitation (1st ed.) (pp.731–738). New York, NY: Macmillan Publishing.

#### **Speeches, Videos, and Articles (samples)**

Impact of the Trace R&D Center: A panel discussion. Excerpts from a panel discussion at ASSETS 2021. October 14, 2021 (*website*)

This 1990 disabilities law ushered in a new era. U.S. Embassy in Georgia. July 20, 2020 (*website*)

Disability Employment: Removing Barriers to Prosperity in Africa. Department of State hosted interactive webchat. October 31, 2018 (*website*)

Significance of Standardization and Antidiscrimination Actions Based on American Experience. Speech at Diversity Hub in Krak6w, Poland. September 14, 2017 (*website*)

A stick or a carrot? How do they do it in the US? Interview by Polish press. June 8, 2017 (*website*)

FOIA committee mulls Section 508 responsibilities. Federal News Network. October 25, 2016 (*website*)

ADA 25th Anniversary. Interview by WebABLE.tv. July 29, 2015 (*website*)

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn: <https://www.linkedin.com/in/david-capozzi-36781713b>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

- Senate Committee on Health, Education, Labor and Pensions, The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities, November 17, 2011.
- House Committee on Government Reform, Subcommittee on the District of Columbia, “Mass Transit: Many Management Successes at WMATA, but Capital Planning Could Be Enhanced,” September 21, 2001.
- House Committee on Appropriations, Subcommittee on Transportation, “Fiscal Year
- House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, “Testimony Regarding HR. 4119—The Fair Housing Amendments Act of 1986”, July 18, 1986.
- House Committee on Small Business, Subcommittee on General Oversight and the Economy, “Testimony Regarding Small Business Administration Programs for Veterans,” May 7, 1986.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your back-

ground or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

My background and employment experience make me particularly suited to serve as a member of the Board of Directors for Amtrak. Section 22202 (a)(1)(B) of the Infrastructure Investment and Jobs Act amended the composition of the Amtrak Board of Directors. The Board must now include at least one member who is an individual with a disability with a demonstrated history of, or experience with, accessibility, mobility, and inclusive transportation in passenger rail or commuter rail. I have been a wheelchair user since a car accident in 1977 and have the necessary experience for this position.

I was a member of the legal team and was a lobbying captain for the disability community that helped craft the Americans with Disabilities Act (ADA); my expertise was helping with the transportation provisions. After enactment of the ADA, I chaired the Urban Mass Transportation Administration's (UMTA—now FTA) ADA Federal Advisory Committee. The Committee advised UMTA on developing its ADA transportation regulations. While at the Access Board I was responsible for the development of ADA accessibility guidelines for transportation vehicles and facilities. I also created an advisory committee to update the Board's rail vehicle guidelines; the committee provided its recommendations in July 2015.

I know how to interact with a Board of Directors. At the Access Board I reported to a Board of twenty-five members: twelve representatives from most of the cabinet agencies and thirteen members of the public appointed by the President of the United States. I also know how to be a productive Board member. I was elected to the United Spinal Association Board of Directors in June 2020 and have actively participated in all Board activities since then. (I'm also a member of Amtrak Guest Rewards.)

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed as a Board member, I expect to be responsible for attending and contributing during meetings, communicating with the President and Chief Executive Officer and other Board members, overseeing the performance of the President and Chief Executive Officer, and assisting in developing the annual budget and ensuring that proper financial controls are in place. I also expect to ensure that the company exercises its obligations to comply with laws and regulations specifically regarding accessibility for people with disabilities.

As Executive Director at the Access Board I was responsible for \$9.2 million in program expenditures and twenty-nine professional and support staff for the only Federal agency whose primary mission is accessibility for people with disabilities. I was responsible for strategic planning, personnel evaluations, budget justifications and execution, and rulemaking. I prepared agenda materials for 70 Board meetings and out-of-town events. I was a member of the Senior Executive Service since 2004. At the Access Board I received "clean" independent audit opinions every year. I have extensive experience in public speaking. I was interviewed over 150 times for international, national, and local radio, television, and print media and was featured as a keynote and conference speaker at over 300 conferences and seminars including twenty-five international conferences. As a manager, I supervised the development of accessibility guidelines for the ADA, Architectural Barriers Act, Communications Act, and accessibility standards for information and communication technology and medical diagnostic equipment under the Rehabilitation Act. I also managed a small number of staff and contractors as Vice President of Advocacy for Easter Seals and the Paralyzed Veterans of America.

22. What do you believe to be the top three challenges facing the department/agency, and why?

In terms of accessibility challenges, Amtrak is facing implementation issues in making its stations accessible, ensuring that rail cars are procured to be the most accessible as possible, and that outreach to the disability community be improved.

The Americans with Disabilities Act provided 20 years (to 2010) for Amtrak to make its stations accessible. Amtrak missed this deadline. As of April 2021, where Amtrak has sole and shared responsibility, 74 of 386 stations are accessible. Amtrak expects to have full accessibility by September 2027 and will spend \$900 million on station accessibility between 2021 and 2026. If confirmed as a member of the Board, I will provide strong advocacy to ensure the staff is accountable in meeting this goal.

Amtrak has a fleet of about 1,300 cars. Amtrak plans to replace nearly 40 percent of its rail car fleet by 2031. Since many cars can last at least 40 years it is critical

that the best procurement decisions are made to ensure accessibility for years to come.

Improved outreach to the disability community is essential. Amtrak needs to improve its standing with the disability community largely because of its failure to meet its ADA obligations. In December 2020, Amtrak settled an ADA complaint with the Department of Justice (DOJ) which requires Amtrak to make its intercity rail system accessible, prioritizing stations with the most significant barriers to access. Amtrak will also train staff on ADA requirements and implement an improved process for accepting and handling ADA complaints. One result of the DOJ settlement is that Amtrak paid over \$2 million to more than 1,500 individuals who experienced disability discrimination while traveling or attempting to travel by train. Public outreach is one way to improve Amtrak's standing with the disability community. The Infrastructure Investment and Jobs Act now requires the Amtrak Board to meet at least annually with representatives of Amtrak employees, representatives of persons with disabilities, and the general public to discuss financial performance and service results.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

Yes. My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opin-

ion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee or other professional group? No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If so, please explain.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

I have not had any complaints of harassment, discrimination, or retaliation made against me to any employer or any other entity with which I had a relationship (such as a contractor). However, when I was Executive Director of the Access Board (AKA "Architectural and Transportation Barriers Compliance Board"), a former employee, Anita Kinney, filed both an equal employment opportunity (EEO) complaint and a complaint with the Merit Systems Protection Board (MSPB), against the agency. As Executive Director, my name was in the caption of both cases, but I was not named in my personal capacity. It is common practice for complaints against federal agencies to include the name of the agency head. All complaints were settled on March 2, 2021 after I had retired as Executive Director. (See [https://www.pacemonitor.com/public/case/30172880/KINNEY\\_v\\_CAPOZZI](https://www.pacemonitor.com/public/case/30172880/KINNEY_v_CAPOZZI)). The current Executive Director's name was substituted for mine in the caption for the civil action in D.C. District Court, as is typical when the agency head is named in an official, rather than a personal capacity.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

## DAVID M. CAPOZZI

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### EXPERIENCE

#### ***U.S. ACCESS BOARD*** ***Executive Director*** ***November 2008 – June 2020***

Was responsible for \$9.2 million in program expenditures and 29 professional and support staff for the only Federal agency whose primary mission is accessibility for people with disabilities. Responsible for strategic planning, personnel evaluations, budget justifications and execution, and rulemaking. Prepared agenda materials for 70 Board meetings and out-of-town events. Member of the Senior Executive Service since 2004.

Reported to a Board of 25 members: 12 representatives from most of the cabinet agencies and 13 members of the public appointed by the President of the United States. Received “clean” independent audit opinions every year.

Extensive experience in public speaking. Interviewed over 150 times for international, national, and local radio, television, and print media; featured as a keynote and conference speaker at over 300 conferences and seminars including 25 international conferences.

Developed accessibility guidelines for the Americans with Disabilities Act (ADA), Architectural Barriers Act (ABA), Communications Act, and accessibility standards for information and communication technology and medical diagnostic equipment under the Rehabilitation Act.

- Issued 6 notices of proposed rulemaking and preliminary regulatory assessments, 5 final rules and final regulatory assessments, and 6 other rules (advance, draft, or supplemental notices of proposed rulemaking); none of the rulemakings faced a legal challenge.
- Managed two Federal Advisory Committees on Rail Vehicle Access and Medical Diagnostic Equipment.

Received new legislative responsibilities from Congress under the Patient Protection and Affordable Care Act (accessibility standards for medical diagnostic equipment), Food and Drug Administration Safety and Innovation Act (best practices on providing accessible information on prescription drug container labels), and the Federal Aviation Administration Reauthorization Act (study to determine the feasibility of in-cabin wheelchair restraint systems).

Coordinated with the Office of Management and Budget and House and Senate appropriations and authorizing committees.

Managed the Board's ABA enforcement program. Updated a legacy complaint tracking system to accept complaint information via a web-based complaint form. Initiated a customer satisfaction survey; 80 percent rated their satisfaction at the highest rating.

Was responsible for the Board's training, technical assistance, and research programs. Developed an online guide to the ADA and ABA standards with illustrated technical bulletins

and a series of short animations that dynamically explain various requirements and the rationale behind them.

Completed a multi-year research project that analyzed data from 500 individuals who use wheeled mobility devices. Findings were compared to those in three other countries and to the current standards in those countries and the United States.

Received full cost reimbursement from sponsoring groups for over 75% of training sessions. Made training payment forms electronic to speed the internal review process. Began a monthly webinar series in partnership with the National Network of ADA Centers and a bi-monthly webinar series with the Chief Information Officers Council, Accessibility Community of Practice.

Implemented a records management program. Met the requirements of the Managing Government Records Directive in January 2016 one year ahead of schedule. Transitioned the agency's procurement contract from the Department of the Treasury to the Department of the Interior to lower administrative costs. Moved e-mail to the "cloud" and acquired a voice over-the-internet telephone system. Was responsible for the agency's Internet presence. Managed its restructuring in July 2013 to a content management system; created a Twitter account in August 2015 with over 1,700 followers.

***U.S. ACCESS BOARD  
Director, Technical and Information Services  
April 1992 – November 2008***

Managed a staff of 14 professionals responsible for rulemaking, training, technical assistance, outreach, and research activities on accessibility issues.

Developed accessibility guidelines and standards for the ADA, ABA, Communications Act, and Rehabilitation Act.

- Issued 13 notices of proposed rulemaking, 12 final rules, and 12 other rules (advance, draft, or supplemental notices of proposed rulemaking).
- Managed the successful completion of 12 advisory committees and two regulatory negotiation committees.

Received new legislative responsibilities from Congress under section 255 of the Communications Act, section 508 of the Rehabilitation Act, and the Help America Vote Act because of the agency's strong accessibility track record.

Testified three times before Congressional committees.

***NATIONAL EASTER SEAL SOCIETY  
Vice President for Advocacy and Director of Project ACTION  
July 1989 – April 1992***

Managed over \$2.5 million in Federal projects, testified before Congress, and represented Easter Seals before Federal agencies. Responded to media inquiries and promoted the rights of people with disabilities through public speaking, information dissemination, and referrals.

Chaired the Urban Mass Transportation Administration's (UMTA) ADA Federal Advisory Committee. The 26-member Committee advised UMTA on developing its ADA regulations.

Managed Project ACTION (Accessible Community Transportation in our Nation), a \$2 million multi-year research and demonstration project to improve access to public transportation for people with disabilities funded through a cooperative agreement with the Federal Transit Administration. Prepared a request for proposal solicitation and selected twenty-five projects to carry out model demonstration programs. Organized and conducted five Project ACTION National Steering Committee meetings.

Conducted comprehensive research on transportation for people with disabilities. Published "Project ACTION Reconnaissance Survey of 112 Transit Systems", and "Project ACTION Combined Research Results".

Completed an award-winning multi-media campaign on how the ADA helps to facilitate accessible transportation. Initiated a quarterly newsletter, Project ACTION Update and prepared and distributed a free brochure: "Securement of Wheelchairs and Other Mobility Aids on Transit Vehicles".

Managed a \$421,000 project between Easter Seals, the Community Transportation Association of America, and the Department of Health and Human Services to provide technical assistance to human services transportation providers on the requirements of the ADA. Developed a national resource center for information dissemination, a toll-free technical assistance hotline, conducted ten workshops, and provided three regional training conferences.

Managed a \$100,000 cooperative agreement between Easter Seals, three transit trade associations and the Urban Mass Transportation Administration on the transportation implications of the ADA. Developed a 960-page implementation manual and a 14-minute explanatory videotape used at five regional conferences during a one-month period that were attended by over 700 individuals.

Represented Easter Seals on the American National Standards Institute, ANSI A117 Committee – a voluntary national standards committee on architectural access for people with disabilities.

Testified three times before Congressional committees.

***PARALYZED VETERANS OF AMERICA***  
***National Advocacy Director***  
***June 1987 – July 1989***

Managed a staff of professionals who promoted and protected the rights of persons with disabilities. Was responsible for strategic planning, program budgeting, and staff performance evaluations. Developed and conducted annual training conferences for PVA members and volunteers. Wrote articles on disability issues for Paraplegia News, PVA's monthly magazine.

Served as the lead negotiator on the Department of Transportation's **Federal Advisory Committee** that negotiated proposed regulations implementing the Air Carrier Access Act. Filed a lawsuit against the Department of Transportation to compel the issuance of final regulations; the case was settled, resulting in the issuance of the regulations.

Championed a provision in the Airport and Airway Improvement Act providing \$250,000 to develop the **nation's** first boarding chair and lifting device for people with mobility disabilities to access commuter aircraft.

Served as co-chair of the Transportation Task Force of the Consortium for Citizens with Disabilities – the largest coalition of disability groups in Washington, DC.

Oversaw the purchase of the rights to operate the Access to the Skies program from Rehabilitation International, USA. Developed the program's first newsletter and an awards program that recognized contributions to safe, comfortable, and dignified air travel for people with disabilities.

Testified 3 times before Congressional committees.

**PARALYZED VETERANS OF AMERICA**  
**Associate Advocacy Director**  
**June 1985 – June 1987**

Maintained liaisons with Federal agencies and monitored issues regarding independent living, social security, and transportation.

Briefed and prepared attorneys for oral arguments in a U.S. Supreme Court case, Paralyzed Veterans of America v. Department of Transportation.

Worked closely with the National Council on the Handicapped (now the National Council on Disability) to develop policy statements and recommendations in their 1986 report, "Toward Independence". The recommendations served as the basis for the ADA.

Organized and conducted PVA's Disability Rights conference which was attended by over 75 attorneys specializing in the legal rights of people with disabilities.

Testified twice before Congressional committees.

**LEADERSHIP AND AWARDS**

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Honorary Member of the Kiosk Hall of Fame, February 2022.

2020 Service to the Citizen Award winner. The award recognizes those public servants who demonstrate excellence in their **delivery of services that impact the public's lives**. September 2020

Received an award in Vienna, Austria from the Zero Project (focused on the rights of persons with disabilities globally) recognizing my longstanding cooperative efforts with the European Commission to harmonize global ICT accessibility standards. February 2016.

Interagency Committee on Standards Policy, Standards Executive. September 2004 – June 2020.

Senior Executive Service. May 2004 – June 2020. (The Senior Executive Service is a corps of 7,800 Federal employees who serve as the executive management of Federal agencies.)

Section 508 Executive Steering Committee. September 1998 – June 2020. (The Executive Steering Committee provides leadership to the Chief Information Officer Council's Accessibility Committee of Practice to improve implementation of Section 508, a law requiring that all electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities.)

National Advocate Award, Project ACTION, May 1992.

Advocate Award, Access to the Skies Program, January 1992.

People Who Make a Difference, National award sponsored by Helene Curtis, April 1991.

Member of the "legal team" and lobbying "captain" for the disability community that helped craft the Americans with Disabilities Act. May 1989 – July 1990.

Congressional Task Force on the Rights and Empowerment of Americans with Disabilities, Member. June 1988 – July 1990.

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**EDUCATION**

**STATE UNIVERSITY OF NEW YORK AT BUFFALO  
FACULTY OF LAW AND JURISPRUDENCE**  
Juris Doctor – May 1985

Admitted to practice law in the State of Pennsylvania (Bar number: 052481 Retired)

**STATE UNIVERSITY OF NEW YORK AT BUFFALO  
FACULTY OF SOCIAL SCIENCES**  
Bachelor of Arts – May 1982

Summa Cum Laude • Phi Beta Kappa • Alpha Lambda Delta National Honor Society •  
Psychology Departmental Honors

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**VOULNTEER ACTIVITIES**

Board of Directors, United Spinal Association, New York, New York. July 2020 – Present.

Advisory Committee Member, Mobility Fitness, Atherton, California. July 2020 – Present.

Accessibility Professionals in the Built Environments Task Force Member, International Association of Accessibility Professionals, Atlanta, Georgia. July 2020 – Present.

Program Committee Member, Access Living, Chicago, Illinois. September 2020 – Present.

Advisory Council Morphic (making personal computers easier to use for everyone, including those with disabilities), College Park, Maryland. June 2021 – Present.

Biden-Harris Policy Volunteer. August – October 2020.

The CHAIR. Thank you so much. Mr. Coscia, you are next.

**STATEMENT OF ANTHONY R. COSCIA, NOMINEE TO BE A  
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Mr. COSCIA. Good morning, Chair Cantwell, Ranking Member Wicker, Senator Blumenthal, Senator Hickenlooper. I am Tony Coscia, the Chairman of Amtrak's Board of Directors and a Board member since 2010.

Thank you again for holding this hearing today. It is an honor to serve on Amtrak's Board and work with such a dedicated team, both within the company and among our various stakeholders. I am grateful for the extraordinary level of support that passenger rail and Amtrak have received from this committee and Congress.

At my first confirmation hearing in 2010, Amtrak was still recovering from the darkest period in its history. A near bankruptcy in the early 2000 eroded confidence in the company and its management. Some questioned whether Amtrak and its national network should continue to exist.

There were limited plans for Amtrak's future direction or any assurance it would receive sufficient funding to maintain existing assets, let alone improve and expand service. I am proud to say that since that time, Amtrak, working with our partners, has made significant progress.

We grew ridership nationwide while significantly improving the finances of the company despite decades of chronic underinvestment that left Amtrak saddled with old and inefficient assets and infrastructure.

By the end of Fiscal Year 2019, Amtrak eliminated over \$300 million in annual operating losses compared to 2013, and more importantly, created a pathway to investing revenue in long overdue capital projects. We recruited new industry leading management to the company to implement best practices in safety, operations, financial management, and customer service.

We completed the nationwide installation of Positive Train Control, PTC, and we were the first U.S. based railroad to implement a comprehensive safety management system as required by this committee.

We developed and began implementing long term plans for capital investment and service improvements and expansion, as evidenced by the new service across four State supported routes launched earlier this year and our plan to restore Gulf Coast service between New Orleans and Mobile.

We launched a more than \$10 billion program to re-fleet Amtrak with new U.S. made trains. New clean diesel locomotives for our Nation—our national network are being delivered. New high speed Acela train sets for the Northeast Corridor are being tested. New intercity train sets for the Northeast Regional Service and State supported service are already on order.

We improved and maintained high customer satisfaction scores and on time performance where we dispatch the railroad despite the challenges of old infrastructure and assets. And we kept our team and customers safe during the tumult of the pandemic and are restoring service to all of our network thanks to the incredible level of support from Congress and the Biden administration.

Because of these efforts, Amtrak and its partners were ready when Congress enacted the Infrastructure Investment and Jobs Act, including the landmark rail title drafted by this committee. This historic legislation provides the significant multi-year capital funding for intercity passenger rail that Amtrak has sought for decades.

With these resources, Amtrak will finally be able to make vital investments in our network and working with our partners to expand service to underserved communities throughout the Nation.

Our highest priority on the Northeast Corridor is to renew our centuries old infrastructure so that we can improve reliability, capacity, trip time. Construction of the Hudson Tunnel between New Jersey and New York, and replacing the 150 year old BNP tunnel in Baltimore typify these efforts.

Across the National Network, we are focused on improving Chicago Union Station, reflecting our long distance trains, improving corridors and expanding service to new markets, and achieving full compliance with the Americans with Disabilities Act at all of our stations. These investments will usher in a new era of inner city passenger rail in America. To capitalize on this era, Amtrak will need your continued support.

While the infrastructure bill's capital funding is a fantastic down payment, it will not be sufficient to overcome generations of underinvestment in passenger rail, nor will it fund our day to day operations, which relies on annual appropriations. We also face the challenge of rebuilding and growing a skilled work force. While we hired over 2,800 new employees so far this Fiscal Year, we are seeking thousands more.

Finally, poor on-time performance caused by some of our host railroads is a major and continuing challenge that threatens the viability of our system. Nonetheless, now is an exciting time to be involved with Amtrak.

Our Nation absolutely needs energy efficient intercity passenger rail to reduce emissions and alleviate congestion. We all know that traveling by Amtrak is much greener than driving or flying. And highway traffic is already exceeding pre-pandemic levels in many places. Meanwhile, airports and airspaces are unable to accommodate even current travel demand. The case for expanding and improving Amtrak service is compelling.

Amtrak is ready to deliver a new era of passenger rail. I am proud of what we have accomplished since I joined the Amtrak Board and I welcome the opportunity to continue my service. Thank you for all of your support thus far, and I look forward to answering your questions.

[The prepared statement and biographical information of Mr. Coscia follow:]

PREPARED STATEMENT OF ANTHONY R. COSCIA, NOMINEE TO BE A DIRECTOR,  
AMTRAK BOARD OF DIRECTORS

Good morning, Chair Cantwell, Ranking Member Wicker, and members of the Committee.

I am Tony Coscia, the Chairman of the Amtrak Board of Directors and board member since 2010. Thank you for holding this nomination hearing today.

It is an honor to serve on Amtrak's Board and work with such a dedicated team, both within the Company and among our various stakeholders. I am grateful for the

extraordinary level of support that passenger rail and Amtrak receive from this Committee and Congress.

At my first confirmation hearing in 2010, Amtrak was still recovering from the darkest period in its history. A near bankruptcy in the early 2000s eroded confidence in the company and its management. Some questioned whether Amtrak and its national network should continue to exist. There were limited plans for Amtrak's future direction or any assurance it would receive sufficient funding to maintain existing assets, let alone improve and expand service.

I am proud to say that since that time, Amtrak, working with our partners, made significant progress:

- We grew ridership nationwide while significantly improving the finances of the company, despite decades of chronic underinvestment that left Amtrak saddled with old and inefficient assets and infrastructure. By the end of FY 2019, Amtrak eliminated over \$300 million in annual operating losses compared to 2013 and, more importantly, created a pathway to investing revenue in to long-overdue capital projects;
- We recruited new industry-leading management to the Company to implement best practices in safety, operations, financial management and customer service;
- We completed the nationwide installation of Positive Train Control (PTC), and we were the first U.S.-based railroad to implement a comprehensive Safety Management System, as required by this Committee;
- We developed and began implementing long-term plans for capital investments and service improvements and expansion, as evidenced by the new service across four state-supported routes launched this year and our plan to restore Gulf Coast Service between New Orleans and Mobile;
- We launched a more than \$10 billion program to re-fleet Amtrak with new U.S.-made trains. New clean diesel locomotives for our National Network are being delivered, new high-speed *Acela* trainsets for the Northeast Corridor are being tested, and new Intercity Trainsets for *Northeast Regional* service and state-supported service are on order;
- We improved and maintained high Customer Satisfaction scores and on-time performance, where we dispatch the railroad, despite the challenges of old infrastructure and assets; and
- We kept our team and customers safe during the tumult of the pandemic and are restoring service to all our network thanks to the incredible support of Congress and the Biden Administration.

Because of these efforts, Amtrak and its partners were ready when Congress enacted the Infrastructure Investment and Jobs Act, including the landmark Rail Title drafted by this Committee. This historic legislation provides the significant, multi-year capital funding for intercity passenger rail that Amtrak sought for decades. With these resources, Amtrak will finally be able to make vital investments in our network, and working with our partners, expand Amtrak service to underserved communities throughout the Nation.

Our highest priority on the Northeast Corridor is to renew our centuries-old infrastructure so that we can improve reliability, capacity, and trip time. Construction of the Hudson Tunnel between New Jersey and New York and replacing the 150-year-old B&P Tunnel in Baltimore typify these efforts. Across the National Network, we are focused on improving Amtrak's Chicago Union Station, re-fleeting our long-distance trains, improving corridors and expanding service to new markets, and achieving full compliance with the Americans with Disabilities Act at our stations. These investments we will usher in a new era of intercity passenger rail in America.

To capitalize on this era, Amtrak will need your continued support. While the infrastructure bill's capital funding is a fantastic down payment, it will not be sufficient to overcome the generations of underinvestment in passenger rail nor will it fund our day-to-day operations, which relies on ongoing annual appropriations. We also face the challenge of rebuilding and growing our skilled workforce. While we hired over 2,800 new employees so far this Fiscal Year, we are seeking thousands more. Finally, poor on-time performance caused by some of our host railroads is a major and continuing challenge that threatens the viability of our system.

Nonetheless, now is an exciting time to be involved with Amtrak. Our nation absolutely needs energy-efficient intercity passenger rail service to reduce emissions and alleviate congestion. We all know traveling by Amtrak is so much greener than driving and flying and highway traffic is already exceeding pre-pandemic levels in many places. Meanwhile, airports and airspace are unable to accommodate even

current travel demand. The case for expanding and improving Amtrak service is compelling.

Amtrak is ready to deliver a new era of passenger rail. I'm proud of what we've accomplished since I joined Amtrak's Board and I welcome the opportunity to continue my service. Thank you for all your support thus far, and I look forward to answering any questions.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
 Anthony Rosario Coscia  
 Nickname: Tony
  2. Position to which nominated: Director, Amtrak Board of Directors.
  3. Date of Nomination: May 3, 2022.
  4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office:  
 I work out of two offices of Windels Marx:  
 New York, NY 10019  
 New Brunswick, NJ 08901
  5. Date and Place of Birth: 09/09/1959; Paterson, New Jersey.
  6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Spouse: Alice Coscia, Nurse Practitioner, Harrison Medical Group, Harrison, NJ  
 Children: Daughter, Christine England, 34, Nurse Practitioner, Family Health Institute, Kingston, NY  
 Son, Joseph Coscia, 32, Senior Associate, Potomac Economics, Ltd., Fairfax, VA  
 Son, Stephen Coscia, 30, PhD Candidate, University of Pennsylvania, Philadelphia, PA  
 Daughter, Elizabeth Coscia, 28, Student, Georgetown University Law Center, Washington, DC  
 Daughter, Marissa Coscia, 26, Director, Communications & Public Affairs, Global Strategy Group, New York, NY
  7. List all college and graduate degrees. Provide year and school attended.
    - Rutgers University School of Law, Juris Doctorate (1984)
    - Georgetown University School of Foreign Service, Bachelors of Science in Foreign Service, International Economics (1981)
  8. List all post-undergraduate employment, and highlight all management level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
- Managerial/Related Positions Are Bolded Below:**
- Graham and James (May 1982 to September 1982)  
 Law Clerk
  - Barnes Richardson and Colburn, LLP (May 1983 to September 1983)  
 Law Clerk
  - Windels Marx Davies & Ives  
**Partner** (September 1990–January 1991)  
 Member of the firm as a partner in the general corporate, commercial and real estate groups.  
 Associate Attorney (September 1984–September 1990)  
 General corporate, commercial and real estate practice.
  - New Jersey Economic Development Authority (January 1991 to February 1992)  
**Executive Director**
  - Windels Marx Lane & Mittendorf, LLP (February 1992 to Present)  
**Partner & Member of Executive Committee**  
 Member of the firm as a partner in the general corporate, commercial and real estate groups.
9. Attach a copy of your résumé. Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

- Chairman, Board of Directors, National Railroad Passenger Corporation (AMTRAK) (2013 to present); Appointed a Director of the Board in 2010 and reappointed in 2015
- Chairman, Board of Commissioners, Port Authority of New York & New Jersey (April 2003–February 2011) (continued on Board of Commissioners until June 2011)
- Vice Chairman, Gateway Program Development Corporation Commission (February 2016 to July 2019)
- Vice Chair, Gateway Development Commission (July 2019 to present)
- Member, New Jersey Restart and Recovery Commission (April 2020 to present)

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- Partner & Member of Executive Committee, Windels Marx Lane & Mittendorf, LLP (1992 to present)
- Member, Council of Trustees, New Jersey Performing Arts Center (2006 to present)
- Trustee, New Jersey Community Development Corporation (2007 to present)
- Director, National Railroad Passenger Corporation (AMTRAK) (June 2010 to present)
- Trustee, Regional Plan Association (June 2011 to present)
- Advisory Board Member, Advance Realty Investors (March 2015 to present; previously 1995–2006)
- Senior Advisor, Oaktree Transportation Infrastructure Fund, L.P. (August 2018 to present)
- Director, OceanFirst Financial Corp. (January 2018 to present)
- Director, OceanFirst Bank (January 2018 to present)
- Director, Neighborhood Property Group LLC (November 2020 to present)
- Member, Georgetown University Board of Directors (July 2016 to present)
- Advisory Board Member, Georgetown University School of Foreign Service (2011 to present)
- Director, Suez North America Inc., successor to United Water, Inc. (December 2012–March 2022)
- Director, SUEZ SA (December 2020–March 2022)
- Director, Suez Utility Holdings Inc. (September 2019–March 2022)
- Director, Sun Bancorp Inc. (November 2010–January 2018)
- Director, Sun National Bank (April 2011–January 2018)
- Regent, Georgetown University Board of Regents (2007–2013)
- Director, Tutor Perini Corporation (September 2012–May 2013)
- Trustee, New Jersey Network (NJN) Foundation (2001–2011)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization.

Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Member, New Jersey Alliance for Action (1998 to present)
- Member, National Association of Industrial and Office Properties, NJ Chapter (2004 to present)
- Member, New Jersey Performing Arts Center Council of Trustees (2006 to present)
- Director, New Jersey Community Development Corporation (2007 to present)

- Member, Partnership for New York City (2007 to present)
- Member, Economic Club of New York (2008 to present)
- Director, Regional Plan Association (2011 to present)
- Advisory Board Member, Georgetown University School of Foreign Service (2011 to present)
- Member, Georgetown University Board of Directors (July 2016 to present)
- Member, Georgetown University Board of Regents (2007–2013)
- Trustee, New Jersey Network (NJN) Foundation (2001–2011)

13. Have you ever been a candidate for and/or held a public office (elected, non elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

N/A

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

DATE	AMOUNT	ENTITY
• 3/3/22	\$2500	Congressman Donald Payne, Jr.
• 2/16/22	\$2900	Blumenthal Victory Fund
• 4/20/21	\$10,000	New Jersey Democratic Party (Federal)
• 2/17/21	\$2800	Friends of Schumer
• 10/7/20	\$2800	Defazio for Congress
• 5/14/19	\$2000	Cory 2020
• 3/15/19	\$2,000	Josh Gottheimer for Congress
• 3/13/19	\$1,000	Mark Kelly for Senate
• 10/17/18	\$2,700	Josh Gottheimer for Congress
• 4/19/18	\$2,600	Menendez for Senate
• 10/27/16	\$1,000	Sires for Congress
• 7/29/16	\$1,800	Josh Gottheimer for Congress
• 4/13/16	\$2,700	Hillary for America
• 3/10/16	\$2,700	Pascrell for Congress
• 6/5/15	\$2,700	Friends of Schumer
• 6/30/14	\$2,600	Cory Booker for Senate
• 5/26/14	\$650	Blumenthal for Connecticut
• 5/2/14	\$2,800	Menendez for Senate
• 4/1/14	\$500	Autumn Burke for Assembly 2014
• 8/13/13	\$2,500	Booker for Senate
• 9/13/11	\$2,500	Menendez for Senate
• 3/15/11	\$500	Quinn for NY

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

#### Recognition

- The Best Lawyers in America—Banking & Finance Law (2018–2022), Construction Law (2022), Real Estate Law (2022)
- City & State Responsible 100 (2018)
- NJBIZ 25 Legends (2012)
- NJBIZ Commercial Real Estate Power 50 (2011, 2014–2015, 2017, 2019–2021)
- NJBIZ Health Care Power 50 (2020)
- NJBIZ Law Power 50 (2019, 2021)
- NJBIZ Power 75: Real Estate (2016)
- NJBIZ Power 100 (2014–2022)
- NJBIZ Real Estate and Construction Power 50 (2013)
- NJ Chamber of Commerce Business Leadership Award (2017)
- Regional Plan Association’s The John Zuccotti Award (2018)

- ROI–NJ Champions of the C-Suite, Recipient of the Inaugural Chairman Champions Award (2020)
- ROI–NJ Influencers: Power 50 (2018–2022)
- ROI–NJ Real Estate Influencers (2017–2021)
- Super Lawyers, Recognized for Real Estate (2018–2021)

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

See Attachment A *Summary of Speeches* and Public Communications.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

N/A

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

- May 4, 2015—Provided oral testimony and written statement before The United States Senate Committee on Commerce, Science and Transportation, Field Hearing, Newark, NJ, regarding the Gateway Project and the necessity for increased Federal capital support. Hearing entitled, “Passenger Rail Reauthorization: The Future of the Northeast Corridor.”
- December 10, 2014—Provided oral testimony and written statement before The United States Senate Committee on Commerce, Science and Transportation, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, Washington, DC, regarding future of passenger rail and necessity for increased Federal capital support. Hearing entitled, “Passenger Rail: Investing in our Nation’s Future.”
- November 18, 2009—Provided oral testimony and written statement before The United States Senate Committee on Commerce, Science and Transportation, Washington, DC, regarding to my nomination to be a Director of the Amtrak Board of Directors.
- October 4, 2007—Provided oral testimony and submitted written statement for hearing on “The SAFE Port Act: One Year Later,” The United States Senate Committee on Commerce, Science and Transportation, Washington, DC.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have considerable public sector experience relating to the infrastructure and transportation industries generally and nearly two decades working with transit and intercity passenger rail providers. This includes service on the Amtrak Board since June 2010 and as Chair since March 2013. In addition, I have over 30 years of private sector experience in related areas, including real estate, finance and corporate governance and believe that this combination of experience at the intersection of the public and private sectors allowed me to make meaningful contributions to Amtrak and the advancement of the Nation’s intercity passenger rail system.

In short, I wish to serve on Amtrak’s board of directors because a vibrant intercity rail system is critical to America’s economic future, and I believe I have the requisite qualifications to help Amtrak achieve that goal.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If re-confirmed as an Amtrak board member, my responsibilities would include helping to establish Amtrak’s strategy for growth and success, along with implementation of the recently enacted bipartisan infrastructure law. I will continue my efforts to strengthen Amtrak project and program management capabilities, management and accounting controls and collaboration efforts with key Amtrak partners and stakeholders, including state and commuter agencies, host railroads and the Department of Transportation. I will keep apprised of best practices relating to

management, technology, strategy within the rail industry and advance incorporation of such controls by Amtrak. I will discharge these responsibilities through attendance at meetings of the Amtrak Board of Directors and regular interaction, consultation and dialogue with Amtrak executive staff.

As Chairman of the Port Authority, I exercised broad policy oversight responsibility in connection with the agency's varied businesses and multi-billion dollar annual capital and operating budget. My role also included advancing the mission and promoting the objectives of the Port Authority to the general public. During my tenure, I spearheaded the adoption of the agency's 10-year capital plan. I also led the first major effort at the Port Authority in 26 years to amend the agency's by-laws. The amended by-laws included a variety of measures intended to enhance the Port Authority's transparency and strengthen its management and accounting controls.

I am also a Partner and Executive Committee member of Windels Marx Lane & Mittendorf, LLP, one of the New York region's oldest law firms. I am a member of the Firm's Corporate & Securities, Financial Transactions and Real Estate Practice Groups. My practice focuses primarily on corporate, commercial and real estate matters, with a concentration on the financial elements of these transactions. I represent financial institutions, investors and major corporations on a broad variety of matters, including corporate and real estate finance transactions, asset restructure and recovery, regulatory compliance, mergers and acquisitions and general litigation. In addition, I regularly advise real estate developers, private equity firms, technology companies, not-for-profit organizations and utilities. I also have specific experience in the area of redevelopment finance and have worked extensively on corporate governance issues.

From February 1992 to March 2003, I served as Chairman of the New Jersey Economic Development Authority ("NJEDA"), one of the largest state-sponsored development banks in the United States. The NJEDA, with more than \$2 billion in assets and \$14 billion in financing, is charged with strengthening the state's economic base and renewing communities through business expansion and attraction, job creation and retention and revitalization of underutilized properties.

I have also served as a director and audit committee member of several public and closely held corporations in the financial services, investment banking, real estate and manufacturing sectors.

22. What do you believe to be the top three challenges facing the department/agency, and why?

The top three challenges are:

1. *For decades, the top challenge for Amtrak is the lack of reliable capital funding to replace and rehabilitate our aged assets.* However, now that the IIJA was enacted, Amtrak and our partners will receive historic levels of Federal investment in passenger rail to finally help address *SOGR* backlog as well as begin to modernize our rail assets. The challenge is that we must deliver these infrastructure projects in a prudent manner—on time and on budget—for the American taxpayer. In addition, while the IIJA is a critical down payment on improving these aged assets, it is simply not sufficient to meet all of the needs, both on the NEC and throughout our National Network. With the funding now provided, plus continued annual appropriations now authorized by Congress over the near term, Amtrak can develop a long-term capital investment plan that results in better, more comprehensive passenger rail service throughout the country.
2. *Persuading the public-at-large that travel by rail is a meaningful alternative to driving or flying for short-or middle-distance travel.* With the exception of the Northeast Corridor and limited areas in the South, Midwest and West Coast where significant investments were made to develop a modern system, intercity passenger rail in the United States currently provides important but admittedly limited options to travelers because of sparse frequencies, reliability challenges and lengthy travel times. As a result, demand in such markets suffers as travelers choose road or air, leading to congestion on those intercity corridors. I believe that a vibrant intercity rail system that can offer trip time competitive, multi-frequency travel options creates viable new options for mobility and help relieve congestion on the roads and in the air, resulting in higher economic productivity, fewer greenhouse gases, and greater economic opportunities for currently underserved communities and individuals. With enactment of the bipartisan infrastructure law, we can begin addressing the key markets that deserve passenger rail service, but to date are underserved or unserved completely.
3. *Improving the planning, development and execution of Amtrak's new vision, major projects and historic levels of funding. In order to sustain the trust of the*

*general public and Congress following the enactment of the IIJA, Amtrak must develop the capacity, expertise, and know-how to deliver new and expanded services across the country in partnership with a wide variety of stakeholders and counterparties.* If re-confirmed, I will continue to push Amtrak to improve its capabilities to serve our partners and stakeholders, including the States and commuter authorities that are essential to the Amtrak system, and to strive to find solutions with our various host railroads that permit Amtrak to grow and properly serve customers.

*Improving transparency and accountability of Amtrak's board and management staff and improving the execution of the agency's major projects.* Amtrak already took significant steps in this area and, if re-confirmed, I will continue to push Amtrak to clearly state the results of our business, identify our challenges, propose responsible solutions and communicate with our partners and stakeholders, including the States and commuter authorities essential to the Amtrak system.

*Equally, the company must demonstrate an ability to use taxpayer funds wisely and efficiently.* As Amtrak enters an era of capital renewals and expansion, supported by the investments that will be made by the IIJA, Amtrak must shift from an organization preliminary focused on preservation and maintenance of existing assets to one focused on delivering major projects and expanding assets to accommodate growth. This will require a renewed focus on project execution and procurement processes and greater sophistication in Amtrak's planning and project management capacity. If re-confirmed, I will work with my fellow Board members to drive improvements in all of these areas.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the Amtrak Chief Ethics Officer and General Counsel to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Amtrak Chief Ethics Officer and General Counsel to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of the Authority's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the Office of the Government Ethics and the Amtrak Chief Ethics Officer and General Counsel to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of the Authority's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I consulted with the Office of Government Ethics and the AMTRAK Board of Directors' designated agency ethics official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I entered into

with the Board's designated agency ethics official and that was provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I consulted with the Office of Government Ethics and the Amtrak Board of Directors' designated agency ethics official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I entered into with the Board's designated agency ethics official and that was provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In connection with my role as Chair, my activities have included offering support for the Amtrak appropriations and Legislative and Grants requests; support for modifications to the RRIF program for major infrastructure projects; support for developing a dedicated, multi-year source of funding for intercity passenger rail; coordination with the DOT on issues pertaining to various DOT-administered programs, grants and other funding applicable to Amtrak; coordination with DOT on major Amtrak procurements; support for various measures impacting intercity passenger rail including reauthorization of PRIIA; Surface Transportation bill; Grow America; support adoption of comprehensive port security legislation (pending); and support increased Federal funding of harbor deepening program. I have also argued in opposition to airport slot auctions and supported increased Federal funding of a Next Generation air traffic control system; increased Federal funding for rail security; and support a national infrastructure bank.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Since 1990, I have been a partner of Windels Marx Lane & Mittendorf, LLP a law firm of approximately 140 attorneys. While not an officer of the Firm, I am a member of its Executive Committee. WMLM is periodically a party to civil litigation in the ordinary course of its business.

Defendant in a civil lawsuit filed against the Port Authority of New York and New Jersey on November 12, 2010. The lawsuit was a 442 employment suit heard by the U.S. District Court Southern District of New York and the cause is listed as the Civil Rights Act 42USC 1983. The case is closed. [Case No: 1:10cv8580]

Defendant in a civil lawsuit filed against the Port Authority of New York and New Jersey on March 2, 2010. The lawsuit was a 442 employment suit heard by the U.S. District Court District of New Jersey and the cause is listed as job discrimination 42 USC 2000e. The disposition of the case is not listed. [Case No: 2:10cvl 055]

Defendant in official capacity as Chairman of the Board of Directors at the Port Authority of New York and New Jersey in a civil lawsuit filed against the state of New York on July 6, 2006. The lawsuit was a 440 civil rights suit heard by the Eastern District Court of New York and the cause is listed as the Civil Rights Act 42USC 1983. The case is closed. [Case No: 1:06cv3392]

Defendant in New York County in a professional malpractice lawsuit brought by Consulting For Architects Inc., filed on March 2, 1995.

Defendants in the lawsuit include me, Stephen C Green, and law firm Windels Marx Davies & Ives. [Index No: 10517895]

Yes, as far as administrative agency proceedings and civil litigation—and no, as far as any criminal proceeding against Amtrak in the period of my service on the Amtrak Board of Directors.

Occasionally, oversight from Federal agencies, such as the Federal Railroad Administration, the National Transportation Safety Board, and the Department of Transportation Office of Inspector General results in the performance of an investigation of Amtrak's operations.

Regarding Civil Litigation and other proceedings, Amtrak is the defendant or respondent in various personal injury, employment, contract, intellectual property, environmental claims/cases, arising in the ordinary course of the Corporation's business and operations. Additionally, Amtrak occasionally asserts rights as the plaintiff or other proponent in various contract, insurance and environmental recovery and other Amtrak rights-affirming claims and cases, as well as matters before the Surface Transportation Board and Federal courts to advance Amtrak's rights and interests under statute and contract, with respect to the Corporation's Congressionally-mandated mission.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

#### ATTACHMENT A

Summary of Prior Speeches and Public Communications in Response to Question 17

##### Speeches

- 6/28/21 New York Penn Station Tour with Senator Schumer and United States Secretary of Transportation Peter Buttigieg
- 4/29/21 Amtrak 50th Anniversary Media Call
- RPA event April 2021
- 1/1/21 Moynihan Event—(Attended, didn't speak, drafted remarks)
- 11/23/20 Amtrak Year End Summary Media Call
- 4/23/20 Amtrak Covid Media Conference Call
- 11/8/19 Amtrak Year End Summary Media Call
- 10/15/19 Amtrak Power in Partnership NBK
- 2/13/19 Amtrak Power in Partnership NYP
- 3/15/19—NAIOP NJ Public Policy Symposium, Speaker
- 4/17/18—Regional Plan Assembly, John Zuccotti Award Remarks
- 9/12/17—Association for a Better New York—Discussion on the Summer 2017 Penn Station infrastructure progress and additional improvements planned, as well as an update on the Gateway Program, Speaker
- 5/2/16—Crain's Real Estate Conference—Panel Discussion on "Taking the Measure of Penn Station and the Cuomo Administration's Plans for It"
- 5/7/15—Port Authority/Regional Plan Association Trans-Hudson Conference, Speaker

- 4/24/15—Regional Plan Association, The RPA Assembly, Plenary Debate
- 10/23/14—Urban Land Institute, Fall Meeting, “Transformative Projects: New York Style,” Panelist
- 9/30/14—New Jersey Chamber of Commerce, Roundtable on Transportation, Speaker
- 5/12/14—Newark Regional Business Partnership, Transportation Leadership Awards, Keynote Speaker
- 11/18/13—Governing/United Water Inc., Roundtable: Transformative Water Management, Speaker
- 9/9/13—New Jersey Alliance for Action, Annual Transportation Conference, Speaker
- 6/4/13—Governing/United Water Inc., Transformative Water Management Roundtable, Speaker
- 7/11/12—(Amtrak) Congress Opening & Political Speeches, UIC 8TH WORLD CONGRESS ON HIGH SPEED RAIL, Speaker
- 6/13/12—Regional Plan Association, Trans County Capacity Gateway Program, “Crossing the Hudson: What’s Next for Enhancing Trans-Hudson Capacity?” Closing Remarks, Speaker
- 5/23/12—New Jersey Alliance for Action, Transp01iation Conference, Speaker
- 5/8/12—Amtrak, 5th Annual National Train Day Event at Moynihan Station, Speaker
- 4/7/12—Regional Plan Association, 2012 Assembly, Expert panelist on transportation.—Closing Remarks, comments reported in The Star-Ledger: “Hudson River rail tunnel project has new name, but same concerns over funding.”
- 11/1/11—Regional Plan Association and the Carnegie Endowment for International Peace, “Road to Recovery: Transforming America’s Transportation,” Panel Discussion, Speaker
- 7/19/11—Crain’s New York, 4th Annual “The Future of New York City 2011: Meeting the Growth Challenge”, “Can the City Afford World Class Infrastructure?” Panel, Moderator
- 6/2/11—ULI Infrastructure Conference, Regional Infrastructure 2011: A Strategic Priority Panel, Panelist
- 5/10/11—NJ Biz, Gateway to International Trade event, Welcoming Remarks
- 5/4/11—Catholic Finance Association, Implications and Solutions for a Growing Public Debt, Panelist
- 4/15/11—Regional Plan Association, 21st Annual Regional Assembly Luncheon—Finance Innovation Workshop, Panelist
- Spring 2011—The Institute for Real Estate Studies (IRES), Spring 2011 Board Meeting, Keynote Speaker, <http://www.smeal.psu.edu/ires/realestate/news/spring-2011/institute-for-real-estate-studies-spring-board-meeting>
- 1/20/11—CG—LA Infrastructure, Annual Global Strategic Infrastructure Leadership Forum, Speaker
- 9/15/10—Partnership for New York City, Next Gen Briefing, Speaker
- 4/13/09—New Jersey Alliance for Action, Annual Governor’s Transportation Conference, Speaker
- 3/6/09—Princeton University Woodrow Wilson School of Government, “Transportation & Infrastructure Issues for the Next Decade,” Speaker
- 11/7/08—Saint Peter’s College, Board of Regents 37th Annual Business Symposium, “Leadership and Accountability in Challenging Times,” Speaker
- 4/15/08—Crain’s New York, Business Breakfast Forum, Speaker
- 4/2/08—National Association of Industrial Office Parks, Industrial Conference, Speaker
- 5/17/07—New Jersey Institute of Technology, Commencement, Speaker
- 6/13/06—Crain’s New York, Business Breakfast, Speaker
- 5/10/06—New Jersey Alliance for Action, Speaker
- 9/15/05—Urban Land Institute, Speaker

#### News Releases/Statements

- 5/2022:
  - Renominated to third term on Amtrak board of directors

- 4/2022:
  - *At last, commuters will see construction of a new Portal Bridge from their train windows*
  - Board Chair Tony Coscia and President & CEO Stephen Gardner filmed content about the future of rail at Moynihan Train Hall with PBS (not yet aired)
- 2/2022:
  - Amtrak Board Chair Tony Coscia was ranked No. 1 in this year's *NJ Biz Power 100*
- 1/2022:
  - *Lamont Talks High-speed Rail with Amtrak Officials, No Word on Bypass Plans*
  - Spoke with Bloomberg, along with President and CEO Stephen Gardner and EVP Laura Mason for an article around Governor Hochul's plans for Penn Station and Amtrak's perspective on the project
- 12/2021:
  - *The Jersey guy behind Amtrak's coming rebirth | Moran*
  - *MTA and Amtrak reach deal to expand transit options*
  - *Hudson River rail tunnel gets green light from the feds to start building it*
  - *Amtrak Announces Bill Flynn to Retire and Names Stephen Gardner as New President and CEO*
  - *Amtrak Fiscal Year 2021: Amidst Continuing Coronavirus Pandemic, Grew Ridership and Revenue and Introduced New Projects and Initiatives for the Future*
- 11/2021:
  - *On President Biden signing the Bipartisan Infrastructure Deal*
  - *On the Infrastructure Investment and Jobs Act House Passage*
  - Amtrak Board Chair Tony Coscia was ranked No. 1 in this year's *NJ Biz Commercial Real Estate Power 50*
  - *A delayed transportation infrastructure project moves forward in the Northeast Corridor* (filmed earlier in the year)
- 11/15/21: *Statement from Amtrak Board Chair Tony Coscia on President Biden signing the Bipartisan Infrastructure Deal*
- 11/5/21: *Amtrak Statements on the Infrastructure Investment and Jobs Act House Passage*
- 8/27/21: *New Financial Plan Should Qualify Hudson Tunnel Project for Improved Rating*
- 8/10/21: *Statement from Amtrak Board Chair Tony Coscia on Infrastructure Bill Senate Passage*
- 4/30/21: *Amtrak at 50: Looking to the Future*
- 1/21/21: *Amtrak Statement by Board Chairman Tony Coscia on the Nomination of Amit Bose as Deputy Administrator of the Federal Railroad Administration*
- 1/18/21: *Amtrak Statement by Board Chairman Tony Coscia on the Nomination of Polly Trottenberg as Deputy Secretary of Transportation*
- 12/30/20: *Amtrak Expands its Presence in New York City with the Addition of the Moynihan Train Hall*
- 12/15/20: *Amtrak Statement by Board Chair Tony Coscia on the Nomination of Pete Buttigieg as USDOT Secretary*
- 11/23/20: *Amtrak Fiscal Year 2020: Prioritized Customer Safety, Advanced Infrastructure and Fast-Tracked Technology*
- 11/20/20: *Amtrak and NJ TRANSIT Complete the Refresh of the Ticketed Waiting Area at New York Penn Station*
- 10/28/20: *Amtrak Statement by Board Chair Tony Coscia on the Opening of Moynihan Train Hall*
- 7/24/20: *Amtrak and NJ TRANSIT Open First Phase of the Refreshed Ticketed Waiting Area at New York Penn Station*
- 3/2/20: *Amtrak Names William Flynn as CEO and President*
- 11/8/19: *Improved Safety and Customer Experience Drive Record Amtrak Ridership*
- 10/15/19: *Governor Murphy, Amtrak and NJ TRANSIT Continue Collaboration Through Fall Construction Program at Four Stations*
- 5/14/19: *Amtrak and NJ TRANSIT Continue Partnership with \$31 Million Northeast Corridor Infrastructure Investment*

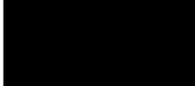
- 5/1/19: *Amtrak Celebrates 48 Years; Looks to the Future*
- 3/7/19: *Statement from Amtrak Board Chair Tony Coscia and Amtrak President & CEO Richard Anderson*
- 2/13/19: *Governor Murphy, Amtrak and NJ TRANSIT Announce Financial Settlement, Enhancements for Commuters In and Out of New York Penn Station*
- 2/1/19: *Amtrak Board Names Kevin Winters Inspector General*
- 11/16/18: *Amtrak Sets Revenue And Earnings Records Delivers Best Operating Performance in Company History*
- 3/21/18: *Amtrak To Name Rochester Station In Honor of Congresswoman Louise M. Slaughter*
- 12/14/17: *Wick Moorman To Step Down As Amtrak Co-CEO, Assume Role of Senior Advisor*
- 11/16/17: *Amtrak Sets Ridership, Revenue And Earnings Records*
- 6/26/17: *Amtrak Names Transportation Veteran Richard Anderson President and CEO*
- 11/17/16: *Amtrak Delivers Strong FY 2016 Financial Results*
- 1/31/17: *Amtrak Welcomes Aboard U.S. Secretary of Transportation Elaine Chao*
- 10/14/16: *Secretary Foxx, Sens. Schumer, Gillibrand, Menendez & Booker, Chairman Coscia Announce Major Development For Urgently-Needed Gateway Program*
- 8/26/16: *Amtrak Invests \$2.4 Billion For Next-Gen High-Speed Trainsets and Infrastructure Upgrades*
- 8/19/16: *Amtrak Names Industly Veteran Wick Moorman President and Chief Executive Officer*
- 12/16/15: *Statement from Amtrak Board of Directors Chairman Tony Coscia*
- 12/10/14: *Amtrak: Unlock Passenger Rail's Potential*
- 11/25/14: *Amtrak Delivers Strong FY2014 Financial Results*
- 10/27/14: *Amtrak Ridership and Revenues Continue Strong Growth in FY 2014*
- 3/18/13: *Antony R. Coscia Elected Chairman, Amtrak Board of Directors*
- 5/30/13: *Statement From Amtrak Board of Directors Chairman Tony Coscia ON Funding Announcement To Preserve Hudson Future Rail Tunnel Right-of-Way*

#### **Op-Eds**

- 3/2/22: *Op-ed featured on NJ.com/The Star-Ledger*
- 8/19/21, WSJ: *Amtrak Defends Its Vision of U.S. Rail Service*
- 7/11/21, NJ.com: *Amtrak chairman: Don't let this moment pass. It's time to build Gateway. | Opinion*
- 7/7/2020, International Business Times: *How To Get Back on Track After COVID-19*
- 9/22/20, The Star Ledger (Newark, NJ): *Amtrak Says It Must Repair Its Crumbling Storm Ravaged Hudson River Train Tunnel*
- 11/13/20, The Hill: *Passenger rail investment offers non-stop service to a prosperous economy*
- 11/23/20, Railway Age: *Defining Amtrak's True Mission*
  - Also featured on *Rail Journal*

#### **Videos**

- 5/21: *Amtrak 50th Anniversary Video*
- 4/26/21: *Day on the Hill 2021 Keynote Speaker*
- 10/17/19: *Governor Murphy, Amtrak, and NJ TRANSIT Announce Fall 2019 Construction Program at Four Stations*

**ANTHONY R. COSCIA****PROFESSIONAL EXPERIENCE**
**WINDELS MARX LANE & MITTENDORF, LLP** **1984 to Present**  
**PARTNER & MEMBER OF EXECUTIVE COMMITTEE**  
**New York, New York**

Mr. Coscia, a Partner of Windels Marx Lane & Mittendorf, LLP, one of the New York region's oldest law firms, is a member of the Firm's Corporate & Securities, Financial Transactions and Real Estate Practice Groups. He is also a member of the Executive Committee of WMLM and has been with the firm for over 30 years. Mr. Coscia's practice focuses on finance, corporate, healthcare, infrastructure, commercial and real estate matters, with a concentration on the financial elements of these transactions. Many of these transactions involve the intersection of public and private sector institutions. He regularly represents financial institutions, investors and major corporations for whom he has handled a broad variety of matters, including corporate and real estate finance transactions, asset restructure and recovery, regulatory compliance, and mergers and acquisitions. Mr. Coscia's clients include private equity firms, real estate developers and investors, healthcare systems, not-for-profit organizations and utilities. He has specific expertise in connection with infrastructure investment and development and has worked extensively on corporate governance issues. Mr. Coscia is admitted to the state bars of New York and New Jersey.

**OAKTREE TRANSPORTATION INFRASTRUCTURE FUND, L.P.** **September 2017 to Present**  
 Mr. Coscia serves as a Senior Advisor to Oaktree Transportation Infrastructure Fund, L.P., which invests primarily in North American infrastructure-related assets in the transportation and logistics sectors.

**BOARD MEMBERSHIPS****Governmental**
**STATE OF NEW JERSEY** **April 2020 to Present**  
**GOVERNOR'S RESTART AND RECOVERY COMMISSION**

Mr. Coscia was appointed by Governor Phil Murphy to serve on the Governor's Restart and Recovery Commission which is charged with advising the administration on the timing and preparation for New Jersey's recovery from the COVID-19 shutdown.

**GATEWAY DEVELOPMENT COMMISSION** **October 2016 to Present**

The Gateway Development Commission was established through joint legislation in New York and New Jersey and tasked with providing oversight and leadership to the advancement of the Gateway Program - the construction and development of expanded intercity rail between New York and New Jersey. The initiative represents one of the most significant infrastructure initiatives in the nation. Mr. Coscia serves as the Amtrak trustee, along with trustees representing the Governors of New York and New Jersey.

**PORT AUTHORITY OF NEW YORK & NEW JERSEY** **April 2003 to June 2011**  
**CHAIRMAN, BOARD OF COMMISSIONERS**

**New York, New York**

Mr. Coscia served as Chairman of the Port Authority of New York & New Jersey for over eight years, stepping down from the Board on June 30, 2011. During his tenure, the longest in modern Port Authority history, he served four New Jersey Governors and three New York Governors. The Port Authority manages five airports, four port facilities, six interstate bridges and tunnels, the PATH commuter railroad and the World Trade Center. As Chairman, Mr. Coscia oversaw the restoration of the agency after 9/11 as a key player in the region through development of a long term capital program, assuming lead role in the redevelopment of the WTC site rebuilding, spearheading multi-billion dollar mass transit improvements, port expansion, modernization of aviation facilities and the most significant corporate governance and financial management reforms adopted by the Port Authority in over two decades.

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY** **February 1992 to March 2003**  
**CHAIRMAN, BOARD OF COMMISSIONERS**

**Trenton, New Jersey**

Mr. Coscia served four different Governors in overseeing one of the largest state-sponsored development banks in the United States. The NJEDA, with more than \$2 billion in assets and \$14 billion in financing, is charged with strengthening the state's economic base and renewing communities through business expansion and attraction, job creation and retention and revitalization of underutilized properties. From January 1991 to February 1992, Mr. Coscia served as Executive Director of the NJEDA.

**Corporate**

**NATIONAL RAILROAD PASSENGER CORPORATION ("Amtrak")** **June 2010 - Present**

Amtrak, the nation's only high speed intercity passenger rail provider, operates a nationwide rail network, serving over 500 destinations in 46 states and three Canadian provinces. Mr. Coscia has served as Chairman of the Board of Directors since March 2013 and previously served as Chairman of the Corporation's Finance and Audit Committee. Mr. Coscia's contributions to Amtrak are the result of his June 2010 appointment and his 2015 second term reappointment by President Obama to the Board of Directors.

**OCEANFIRST FINANCIAL CORP (OCFB) AND** **January 2018 - Present**  
**OCEAN FIRST BANK**

Ocean First Financial Corp and OceanFirst Bank, is a bank holding company and its primary subsidiary with over \$10 billion in assets spanning the retail commercial and institutional banking markets.

**NEIGHBORHOOD PROPERTY GROUP** **November 2020 – Present**

Neighborhood Property Group is a recently created real estate infrastructure investment company established through a partnership with Reef Technology, one of the largest real estate technology platforms in the United States. Neighborhood Property Group has raised initial capital of \$300 million and expects to acquire and repurpose parking facilities to better service community needs through the application of technology.

**SUEZ NORTH AMERICA, INC. and** **December 2012 – March 2022**  
**SUEZ UTILITY HOLDINGS, INC.**

Suez North America, Inc., the U.S. subsidiary of The Suez Group, the nation's second largest environmental services firm, provides drinking water and wastewater services across all 50 states and Canada and owns and operates 15 regulated water and wastewater utilities. Mr. Coscia is the Chairman of Suez North America, Inc.

**SUEZ SA** **December 2020 – March 2022**

SUEZ SA is a French-based utility company which operates largely in the water and waste management sectors.

**SUN BANCORP (SNBC) AND SUN NATIONAL BANK** **November 2010 – January 2018**  
**April 2011 – January 2018**

Sun Bancorp., Inc. and Sun National Bank, is a bank holding company and its primary subsidiary spanning the retail, commercial and institutional banking markets. Mr. Coscia served as Chairman of Sun Bancorp, Inc.

**MOTOR COACH INDUSTRIES INTERNATIONAL, INC.** **May 2009 – September 2010**

North America's leading manufacturer of intercity coaches serving charter and tour operators, line-haul and scheduled-service operators, transit agencies; and conversion companies.

**MARCAL PAPER MILLS INC.** **1998 – 2007**

Privately owned manufacturer of consumer and away-from-home paper products

**INTERCHANGE FINANCIAL SERVICES CORPORATION (IFC)** **1997 – 2007**

Publicly held financial services corporation sold to TD Banknorth Inc. in 2007.

**Non-Profit (Trustee)**

**GEORGETOWN UNIVERSITY** **July 2016 - Present**

Georgetown University is a private research university and is the oldest Catholic and Jesuit university in the United States.

**GEORGETOWN UNIVERSITY SCHOOL OF FOREIGN SERVICE** **2011 - Present**

The Board of Advisors advises and supports the undergraduate and graduate programs of The Walsh School of Foreign Service, a premier school of international affairs.

**REGIONAL PLAN ASSOCIATION** **June 2011 - Present**

Regional Plan Association is an independent, non-profit civic organization that develops and promotes ideas to improve the economic health, environmental resiliency, and quality of life of the New York metropolitan area.

**NEW JERSEY COMMUNITY DEVELOPMENT COPORATION** **2007 - Present**

New Jersey Community Development Corporation is a private, non-profit community development and social service agency focusing on education, youth development, housing, and community building initiatives in Paterson, NJ.

**AFFILIATIONS**

Mr. Coscia is a member of The Partnership for New York City, The Economic Club of New York and the New Jersey Performing Arts Center Council of Trustees.

**EDUCATION**

**Rutgers University School of Law (J.D., 1984)**

Editor-in-Chief, Rutgers Computer and Technology Law Journal

**Georgetown University School of Foreign Service (B.S.F.S., International Economics, 1981)**

*Phi Beta Kappa*

**HONORS AND AWARDS**

2020 ROI-NJ Champions of the C-Suite, recipient of the inaugural Chairman Champions award; 2018 Regional Plan Association's The John Zuccotti Award; 2018 Great Trenton Caren Franzini Capital City Award; 2017 New Jersey Chamber of Commerce Business Leadership Award 2010 Georgetown Wall Street Alliance Scholarship Award; 2009 Flame of Charity Awards (Diocese of Metuchen, Catholic Charities) - Community Servant Award; Honorary doctorate of humane letters from the New Jersey Institute of Technology; 2008 Jewish National Fund's Tree of Life Award; 2008 Rutgers Law School - Newark Honoree; 2008 New York March of Dimes 32nd Annual Transportation & Construction Awards - Service to Humanity Award; 2007 Newark Regional Business Partnership Transportation Leader of the Year Award; 2007 Institute for Social Justice Corporate Leadership Award; 2006 New York Building Trades Employers Association Annual Leadership Award; 2004 New Jersey Alliance for Action Eagle Award.

**PERSONAL**

Born in Paterson, NJ in September 1959, Mr. Coscia currently resides in North Caldwell, NJ. He and his wife Alice have five children, Christine, Joseph, Stephen, Elizabeth and Marissa.

The CHAIR. Thank you very much. Mr. Koos, welcome. Thank you very much. Is that right, Koos?

Mr. KOOS. Koos. That is it.

The CHAIR. Thank you.

**STATEMENT OF CHRISTOPHER KOOS, NOMINEE TO BE A  
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Mr. KOOS. Chairman Cantwell, Ranking Member Wicker, and members of this committee, thank you for the opportunity to testify before you today. I am Chris Koos, the Mayor of Normal, Illinois.

I am deeply honored to be nominated to serve on Amtrak's Board of Directors, to which I bring my experience as a Mayor, small business owner, Vice Chair for Passenger Rail of the U.S. Conference of Mayors, and a frequent Amtrak customer.

Normal, the home of Illinois State University, is adjacent to the City of Bloomington and roughly midway between Chicago and Saint Louis.

Amtrak's multimodal Bloomington Normal Station known as Uptown Station, is in Uptown Normal and is served by two Amtrak routes, the Texas Eagle, a long distance route from Chicago to Saint Louis and San Antonio, and the Lincoln Service, a State supported route between Chicago and Saint Louis.

As Mayor of Normal, for 19 years I have seen firsthand the positive impact of expanding and improving Amtrak service. When I became Mayor, Amtrak's Bloomington Normal Station had less than 75,000 passengers a year.

In 2010, Normal was awarded one of the first Tiger grants to replace its small, unattractive Amtrak track station, which we referred to as Am-shack, with Uptown Station. Uptown Station was completed just 2 years later on time and within budget, thanks to a successful partnership among all levels of Government, local contractors, and unions.

Its construction created hundreds of good paying jobs, and the project received a LEED Silver certification for its environmentally responsible construction and design. In addition to Amtrak, Uptown Station includes spaces for public transit, regional busses, and town offices. It is adjacent to Constitution Trail, a bicycle and pedestrian trail that you—transverses the community.

The station has been an incredible success. It is the busiest Amtrak station in Illinois after Chicago Union Station. Ridership has more than tripled since I became Mayor to nearly 230,000 a year in pre-pandemic 2019. Private spin off development spurred by Uptown Station, including housing, totaled \$175 million.

Today's Uptown Station is the anchor of a vibrant, mixed use downtown that includes a children's museum, two hotels, a conference center, and attractive public places, all easily accessible to residents of Chicago and Saint Louis and many other places served by Amtrak. The key to our success is partnership and engagement by all levels of Government, the private sector, the community, and all those who recognize the benefits that supporting and investing in passenger rail could provide.

As a member of Amtrak's Board, I will work to develop positive, unified relationships among all intercity passenger rail stakeholders, like those that led to Uptown Station's success. There are

hundreds of cities and towns throughout the United States, including many not served by Amtrak today, that could and should experience the mobility and community development benefits of passenger rail investment that the normal residents enjoy.

The Infrastructure Investments and Jobs Act provide for the first time multi-year Federal funding that should attract State and local and private sector investment. I hope it will set a stage for establishing an identified, sustainable, long term funding source for intercity passenger rail like those for other forms of passenger transportation.

As much as I admire Amtrak, I recognize its need for improvement. There are several things that I will focus on as a member of the Board, if confirmed. One of them is long distance service.

I know how important Amtrak's long distance trains are to residents of Normal who lack sufficient airport access, as well as other travelers from rural communities I have met on the Texas Eagle, for instance, many of them who use the train for short distance trips because no other public transportation option is available.

Often overlooked is the fact that the long distance trains also provide a significant portion of Amtrak service on many short distance corridors. Amtrak also plays a major role in the mobility and independence of the disability community, all of whom should experience accessible and reliable service when they travel by Amtrak.

Amtrak needs to go above and beyond the bare minimum for passengers with disabilities by purchasing rolling stock that better suits their needs and upgrading transportation infrastructure.

Amtrak's on time performance must significantly improve, and freight rail companies must be held accountable for meeting agreed upon timetables. I am also intent on making Amtrak a safer system. Grade separation and railroad right of way improvements that create safer conditions in Normal should be applied—replicated in other Amtrak communities.

And the 42 year old long—I am sorry, as the 42 year old long owner of two small retail businesses, I am very focused on improving the customer experience. I hope to have the opportunity to work closely with the members and staff of this committee and all Amtrak stakeholders to create a larger, more effective, and even safer passenger rail system, and I am happy to answer any questions you may have.

[The prepared statement and biographical information of Mr. Koos follow:]

PREPARED STATEMENT OF CHRISTOPHER KOOS, NOMINEE TO BE A DIRECTOR,  
AMTRAK BOARD OF DIRECTORS

Chair Cantwell, Ranking Member Wicker, and members of the Committee, thank you for the opportunity to testify before you today. I am Chris Koos, the Mayor of Normal, Illinois. I am deeply honored to be nominated to serve on Amtrak's Board of Directors, to which I bring my experience as a mayor, small business owner, Vice Chair for Passenger Rail of the U.S. Conference of Mayors, and frequent Amtrak customer.

Normal, the home of Illinois State University, is adjacent to the City of Bloomington and roughly midway between Chicago and St. Louis. Amtrak's multimodal Bloomington-Normal station, known as Uptown Station, is in downtown Normal, and is served by two Amtrak routes: the *Texas Eagle*, a long-distance route from Chicago to St. Louis and San Antonio, and the *Lincoln Service*, a state-supported route between Chicago and St. Louis.

As Mayor of Normal for 19 years, I have seen firsthand the positive impact of expanding and improving Amtrak service. When I became mayor, Amtrak's Bloomington-Normal station had less than 75,000 passengers a year. In 2010, Normal was awarded one of the first TIGER grants to replace its small, unattractive Amtrak station with Uptown Station. Uptown Station was completed just two years later, on time and within budget, thanks to a successful partnership among all levels of government, local contractors, and unions. Its construction created hundreds of good-paying jobs, and the project received a LEED Silver certification for its environmentally responsible construction and design.

In addition to Amtrak, Uptown Station includes space for public transit, regional buses, and Town offices. It is adjacent to the Constitution Trail, a bicycle and pedestrian trail that traverses Normal and Bloomington.

Uptown Station is an incredible success. It is the busiest Amtrak station in Illinois after Chicago Union Station. Ridership more than tripled since I became mayor, to nearly 230,000 a year in pre-pandemic 2019. Private spinoff development spurred by Uptown Station, including new housing, totaled \$175 million.

Today, Uptown Station is the anchor of a vibrant, mixed-use downtown that includes a Children's Discovery Museum, two hotels, a conference center, and attractive public spaces—all easily accessible to residents of Chicago, St. Louis, and many other places served by Amtrak.

The key to its success is partnership and engagement by all levels of government, the private sector, and the community, who all recognized the benefits that supporting and investing in passenger rail could provide.

As a member of Amtrak's Board, I will work to develop positive, unified relationships among all intercity passenger rail stakeholders, like those that led to Uptown Station's success. There are hundreds of cities and towns throughout the United States, including many not served by Amtrak today, that could and should experience the mobility and community development benefits of passenger rail investment that Normal's residents enjoy. The Infrastructure Investment and Jobs Act provides, for the first time, multi-year Federal funding that should attract state, local, and private sector investment. I hope it will set the stage for establishing an identified, sustainable long-term funding source for intercity passenger rail, like those for other forms of passenger transportation.

As much as I admire Amtrak, I recognize its need for improvement. There are several things I will focus on as a member of the Board, if confirmed. One of them is long-distance service. I know how important Amtrak's long-distance trains are to residents of Normal who lack sufficient airport access, as well as other travelers from rural communities I've met on the *Texas Eagle*, many of whom use the train for short distance trips because no other public transportation option is available. Often overlooked is the fact that long-distance trains also provide a significant portion of Amtrak's service on many short distance corridors.

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Amtrak needs to go above and beyond the bare minimum for passengers with disabilities by purchasing rolling stock that better suits their needs and upgrading station infrastructure.

Amtrak's on-time-performance must be significantly improved, and freight rail companies must be held accountable for meeting agreed-upon timetables. I am also intent on making Amtrak a safer system: grade-separation and railroad right-of-way improvements that created safer conditions in Normal should be replicated in other communities Amtrak serves. And as the 42-year long owner of two small retail businesses I'm very focused on improving customer service.

I hope to have the opportunity to work closely with the Members and staff of this Committee and all Amtrak stakeholders to create a larger, more effective, and even safer passenger rail system. I'm happy to answer any questions you may have.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):

Christopher C. Koos  
Chris Koos

2. Position to which nominated: Director of the Amtrak Board of Directors.

3. Date of Nomination: 4/29/2022.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 206 South Linden Street, Normal, IL 61761.  
11 Uptown Circle, Normal, IL 61761—Mayor, City Hall address

5. Date and Place of Birth: 07/06/1948, Bloomington, IL  
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

N/A  
Josh Favus (52)

7. List all college and graduate degrees. Provide year and school attended.

No degree, Illinois State University, 1972

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Owner—Draisine Limited, 2 retail sporting goods stores  
Mayor—Town of Normal, Illinois

9. Attach a copy of your résumé. Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

Mayor—Town of Normal, Illinois

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

N/A  
12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Illinois Municipal League—Board Member (2016 to present)  
US Conference of Mayors—Vice Chair of Membership (2014 to present)

13. Have you ever been a candidate for and/or held a public office (elected, non elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Mayor—Town of Normal, Illinois, elected, no outstanding campaign debt

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

N/A  
15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

2021 Senator Richard Durbin—\$250.00  
2021 Responsible Cities PAC—\$500.00

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

N/A  
17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

N/A

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms.

Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Active: <https://www.linkedin.com/in/chris-koos-45463a50>

Active: <https://www.instagram.com/chriskoos/?hl=en>

Active: <https://www.facebook.com/chris.koos.5/>

Active: <https://www.facebook.com/mayorchriskoos>

Deleted: <https://www.facebook.com/votemayorkoos/>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

July 14, 2016, House Committee on Oversight and Government Reform, Subcommittee on Transportation and Public Assets held a hearing entitled “Lagging Behind: The State of High Speed Rail in the United States.”

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

As Mayor, I assisted with the construction of a multimodal transportation center as part of a Transit Oriented Development of our central business district. This project took a significant coordination at the local, state, and Federal level.

Given current funding opportunities, I wish to serve in this position to work towards engaging in significantly needed infrastructure upgrades (especially the Northeast corridor) as well working with the preliminary plans to expand service to major cities either not served or underserved by Amtrak.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed, I want to make sure my vision for the rail service aligns with those of fellow board members. If confirmed, I will bring to the table 44 years of retail experience as a business owner and 19 years of leadership experience as Mayor of a town with a population of over 50,000 residents.

22. What do you believe to be the top three challenges facing the department/agency, and why?

Funding—Amtrak has been given significant funding to broaden and strengthen the national system. Managing and budgeting these dollars will require significant effort and oversight.

Personnel—As most organizations, Amtrak will likely struggle to return to pre COVID employment levels. In addition, with expanded funding, more people will be needed to effectively implement an expanded Amtrak.

Ridership—On time performance continues to be a problem. It is difficult to accommodate the business traveler without reliable and dependable performance. Also, the customer experience must improve, be it newer coaches, better meal options and amenities.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors’ Code of Business Conduct and Ethics and the terms of Amtrak’s Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

Yes. My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Personal Lawsuit filed against me as mayor regarding a real estate transaction—dismissed. An LLC in a failed attempt to get a zoning change on a property sued the Town of Normal Illinois and me personally as mayor. The suit was dismissed in Federal Court.

Lawsuit as mayor/liquor commissioner, tortious interference. As Liquor Commissioner for the Town of Normal, Illinois, I would not issue a liquor license to the buyer of an existing store until the contract for sale was executed. The contract was not executed by a drop-dead date between the parties. The lawsuit was dismissed in Circuit Court.

Two suits against the Sub S Corporation, which I own and operate in the late 1980s, for personal injury liability. These were lawsuits in which I and my business

were named as were promoters and sponsors of these bike races. These suits were dismissed in Circuit Court.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

## Christopher C. Koos

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### COMMUNITY ADVOCACY AND GOVERNANCE:

Town of Normal, Normal, IL

Council Member

April 2001 – February 2003

Mayor

February 2003 – Present

- Drive economic and quality of life development, including construction of the Marriott Hotel and Conference Center, the Hyatt Place Hotel, the Children's Discovery Museum, and major multi-use construction
- Create and enact policies with a meaningful emphasis on innovation, energy efficiency, and environmental sensitivity
- Pursue partnerships with community stakeholders, including private businesses and governmental partners at the state, local, and federal level to enhance the quality of life for all residents of the community
- Promote recreational opportunities in the community through the construction of new recreation facilities, the preservation of open space, and the expansion of the existing walking/biking trail system.

*Selected Projects and Leadership:*

- Development and construction of multi-modal Uptown Station (dedicated July 2012), servicing the highest Amtrak ridership in Downstate Illinois on *Lincoln Service/Texas Eagle* trains
  - \$45.9 million total project cost; recipient of \$22 million TIGER program funds, \$10.6 million additional federal funding, over \$13 million state and local contributions
- Redevelopment of the Uptown Normal business district, focusing on transportation-oriented design to highlight Normal's position on the Chicago/St. Louis high-speed rail corridor
  - \$90 million of public investment generated \$192 million in private investment and economic development
- Expert testimony regarding urban development and transportation:
  - House Ways & Means Committee, 2014
  - House Committee on Oversight and Government Reform, Subcommittee on Transportation & Public Assets, 2016
- Town of Normal Representative: Transportation for America Advisory Board; Economic Development Council; Illinois Municipal League

### BUSINESS EXPERIENCE:

Vitesse Cycle Shop, Normal, IL

1978 – Present

Often Running, Normal, IL

1995 – Present

Owner & Operator

- Lead the management of specialty retail stores serving cycling and running enthusiasts through sustainable sales and service practices
- Drive ongoing needs analyses, workforce design, marketing development, and evaluation of local sales environment to ensure alignment with business strategies
- Coach and enable management staff to effectively deliver sales and customer service solutions to the organization
- Design programs and processes to elevate the customer experience, focusing on health, wellness, and sustainability
- Model corporate philanthropy values by establishing partnerships and providing services to nonprofit and public organizations, including the Illinois Heart and Lung Association, the Illinois Farm Bureau, and Illinois State University

*Selected Highlights:*

- Recipient of 2013 "America's Best Bike Shops" recognition from the National Bicycle Dealers Association
- Recipient of 2013 Green Business Certification from the Illinois Green Business Association

### PUBLIC SERVICE:

- Infantry Platoon Leader with the Army 101<sup>st</sup> Airborne/Airmobile Division, Vietnam: United States Army, 1968 - 1971
- Selective Service Board of Appeals Vice Chair from 1983 to 2003
- Vice President, Illinois Municipal Leagues
- Vice Chair for Passenger Rail, US Conference of Mayors Transportation and Communications Committee

### EDUCATION:

Illinois State University, Normal, IL

Area of Study: Political Science

1966 - 1968; 1971 - 1972

The CHAIR. Thank you. Mr. Lathem, welcome. Congratulations on your nomination.

**STATEMENT OF SAMUEL E. LATHEM, NOMINEE TO BE A  
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Mr. LATHEM. Chairman Cantwell, Ranking Member Wicker, and other members of the Committee, my name is Samuel E. Lathem, the E for Elijah, and I appreciate the opportunity to appear before you today. Let me tell you a little about my background. I began working at the Chrysler plant in Newark, Delaware, in 1965.

I served in numerous leadership positions as a member of the United Auto Workers, and with the AFL-CIO. Culminating in my election as President of the Delaware State AFL-CIO in 2003. As you noted, as the first African American elected to that post. Also served as Administrator for the UAW Chrysler Training Center at the North plant. I have decades experience as a Board member of Governmental and quasi-Governmental entities since 2001.

I have been a Commissioner of the Delaware River Bay Authority, or DRBA, and currently serve as Vice Chairman. The DRBA is a bi-state, quasi-Governmental operation, operates the Delaware Memorial Bridge, three airports, and the Cape May Lewes Ferry.

I am also a former Board member of the Diamond State Port Corporation, a corporate entity of the State of Delaware to operate the Port of Wilmington. Like Amtrak, DRBA and Diamond State are Governmentally accredited entities with a public mission that engage in commercial transportation activities that generate much of their funding.

The Cape May Lewes Ferry carries over 700,000 passengers a year, and it is an essential service for many of his passengers. My involvement with public transportation through the ferry is one of the things that made me interested in serving on this Amtrak Board. I have extensive experience in the nonprofit sector, as a Board member of numerous charitable, educational, labor, and citizen organizations.

These organizations include Junior Achievement, the Metropolitan Wilmington Urban League, the United Way of Delaware, and my proudest, 4-H Foundation Committee. I formally chaired the Delaware Advisory Council on Career and Vocational—I am sorry, they changed it from Vocational, Technical Education.

I am also an ordained Baptist preacher and serve as Associate Minister at Cornerstone Fellowship Baptist Church in Wilmington. Honorary past Grand Master, Prince Hall, large State and jurisdiction of Delaware. I know how important Amtrak is not just to travelers, but to the communities where its employees work and live throughout the country.

I live in Bear, Delaware, where one of Amtrak's three major equipment maintenance facilities is located. Amtrak service in rural areas is of particular interest to me. This may surprise some people, but outside of the Wilmington area, Delaware is predominantly a rural State.

From my involvement in statewide organizations, I know many people who live in rural parts of Delaware who do not have access to Amtrak or other public transportation services they want and need. From my experience in transportation and labor organiza-

tions, and many years of service on a wide variety of Boards, I would bring a unique perspective to Amtrak's Board, if confirmed.

I am very familiar with the challenges faced by organizations like Amtrak that require both a public mission and engagement in commercial business activities, while simultaneously being accountable to elected and Governmental officials.

As a union official and a Board member of organizations with agreement covered work forces, I have worked on both sides of labor management issues. 21 years of service on a bi-state Board gives me experience in dealing with multiple Governmental jurisdictions that sometimes support different objectives.

I have learned how to work with people with different views and perspectives, and the importance of seeking compromise that produce a win-win for both sides. I believe my experience in vocational education and training is particularly relevant because Amtrak's biggest challenges will be finding and training large numbers of workers to construct projects funded by last year's infrastructure bill.

I am interested in looking into Amtrak's current efforts to recruit from historically black colleges and universities, something I know the Ranking Member and others this committee care about deeply. I thank you for your time, and if confirmed, look forward to serving on Amtrak's Board. Thank you, Madam Chairman.

[The prepared statement and biographical information of Mr. Lathem follow:]

PREPARED STATEMENT OF SAMUEL E. LATHEM, NOMINEE TO BE A DIRECTOR,  
AMTRAK BOARD OF DIRECTORS

Good morning, Chair Cantwell, Ranking Member Wicker, and other members of the Committee. My name is Samuel E. Lathem, and I appreciate the opportunity to appear before you today.

Let me tell you about my background. I began working at the Chrysler Plant in Newark, Delaware in 1965. I served in numerous leadership positions as a member of the United Auto Workers (UAW) and with the AFL-CIO, culminating in my election as President of the Delaware State AFL-CIO in 2003. I also served as Administrator of the UAW-Chrysler Training Center at the Newark Plant.

I have decades of experience as a Board member of governmental and quasi-governmental entities. Since 2001, I have been a Commissioner of the Delaware River Bay Authority, or DRBA, and currently serve as Vice Chair. The DRBA, a bi-state quasi-governmental corporation, operates the Delaware Memorial Bridge, three airports, and the Cape May-Lewes Ferry. I am also a former Board member of the Diamond State Port Corporation, a corporate entity of the State of Delaware that operates the Port of Wilmington.

Like Amtrak, DRBA and Diamond State are governmentally created entities with a public mission that engage in commercial transportation activities that generate much of their funding. The Cape May-Lewes Ferry carries over 700,000 passengers a year and is an essential service for many of its passengers. My involvement with public transportation through the Ferry is one of the things that made me interested in serving on Amtrak's Board.

I have extensive experience in the non-profit sector as a Board member for numerous charitable, educational, labor, and citizen organizations. These organizations include Junior Achievement, the Metropolitan Wilmington Urban League, the United Way of Delaware, and the 4-H Foundation Committee. I formerly chaired the Delaware Advisory Council on Career and Vocational Education. I am also an ordained Baptist preacher and serve as Associate Minister at Cornerstone Fellowship Baptist Church in Wilmington.

I know how important Amtrak is, not just to travelers but to the communities where its employees work and live throughout the country. I live in Bear, Delaware, where one of Amtrak's three major equipment maintenance facilities is located. Amtrak service in rural areas is of particular interest to me. This may surprise some

people, but outside of the Wilmington area, Delaware is a predominantly rural state. From my involvement in statewide organizations, I know many people who live in rural parts of Delaware who don't have access to Amtrak or other public transportation services they want and need.

From my experience in transportation and labor organizations, and many years of service on a wide variety of Boards, I would bring a unique perspective to Amtrak's Board if confirmed. I am very familiar with the challenges faced by organizations like Amtrak that require both a public mission and engagement in commercial business activities, while simultaneously being accountable to elected and governmental officials. As a union official and a Board member of organizations with agreement-covered workforces, I have worked on both sides of labor-management issues. Twenty-one years of service on a bi-state Board gives me experience in dealing with multiple governmental jurisdictions that sometimes support different objectives. I learned how to work with people with different views and perspectives, and the importance of seeking compromises that produce a "win/win" for both sides.

I believe my experience in vocational education and training is particularly relevant, because one of Amtrak's biggest challenges will be finding and training large numbers of workers to construct projects funded by last year's Infrastructure Bill. I am interested in looking into Amtrak's current efforts to recruit from Historically Black Colleges and Universities (HBCUs), something I know the Ranking Member and others on this Committee care about deeply.

I thank you for your time, and if confirmed look forward to the serving on Amtrak's Board.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Samuel Elijah Lathem.
2. Position to which nominated: Director of the Amtrak Board of Directors.
3. Date of Nomination: April 29, 2022.
4. Address (List current place of residence and office addresses):
  - Residence: Information not released to the public.
  - Office: Information not provided.
5. Date and Place of Birth: 10/22/1943; Woodlyn, Pennsylvania.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
  - Jean Koch Lathem; retired; Stepchildren: Rudy R. Koch—age 59; Allan E. Koch—age 57.
7. List all college and graduate degrees. Provide year and school attended.
  - None.
8. List all post-undergraduate employment and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
  - In 1965, I began work at the Chrysler Plant in Newark, Delaware, was elected and served two 3-year terms as Chief Steward in the Body Shop at Newark Assembly Plant and appointed as Civil Rights Chairman of Local 1183 UAW.
  - In 1990 I was assigned the position of Administrator of the UAW-Chrysler Training Center.
  - In February 1999 I was promoted to an International Rep of the UAW.
  - On October 4, 2003, I was elected as the first African-American President of Delaware State AFL-CIO, a position he held until 2015.
9. Attach a copy of your résumé. Attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

- Interagency Council on Literacy
- Board of Directors for the Diamond State Port Corporation (Port of Wilmington)
- Delaware Workforce Investment Board
- Chairman of Delaware Advisory Council on Career and Vocational Education
- Commissioner on the Board of Directors of the Delaware River & Bay Authority

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

Board of Directors for the Diamond State Port Corporation (Port of Wilmington); Commissioner on the Board of Directors of the Delaware River & Bay Authority.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Board of Directors for Junior Achievement  
Kids Count Steering Committee  
4-H Foundation Committee  
Board of Directors of SURJ (Stand up for What's Right and Just)  
Metropolitan Wilmington Urban League  
United Way of Delaware  
Coalition of Black Trade Unionists

13. Have you ever been a candidate for and/or held a public office (elected, non elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years. None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

State of Delaware, Department of Military Affairs, Office of Adjutant General Distinguished Service Medal, December 3, 2015

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed. None.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible. None.

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony. None.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have over 30 years' experience in working with Amtrak, from my relationships in Delaware, which extend from the Bear Yard to the Regional Headquarters to the management of the Joseph R. Biden, Jr., Railroad Station in Wilmington, DE. As President of the Delaware AFL-CIO, I worked tirelessly to advance interest of all unions involved in Amtrak's system and supported diversity and inclusion efforts by

providing a difference perspective. I understand the role Federal and state legislatures play in advancing interests to invest in passenger rail and the economic impacts needed to modernize not just the Northeast Corridor but the entire U.S. rail system. As a citizen, it concerns me that we have lagged behind the rest of the world in offering first class passenger rail services in our country. I believe it is my patriotic duty to serve my country in this role.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

As both regional administrator for the UAW and President of a union organization with 45,000 members in the State of Delaware, I believe I understand budgetary challenges that Amtrak faces and in addition I understand the importance of and am familiar with standards for board governance and oversight of management and accounting controls. Further, I have first-hand experience as President of multiple boards, including the Delaware River & Bay Authority, and have demonstrated fiduciary responsibility to administer funds. Based on my experience on multiple boards, I understand the elements of oversight that are critical to the governance of Amtrak, and most importantly, to its long-term viability.

22. What do you believe to be the top three challenges facing the department/agency, and why?

- (1) Ensuring the safety and security of Amtrak passengers and employees;
- (2) Providing the level of investment needed for capital projects; The COVID-19 pandemic created major budget challenges that will cause Amtrak to seek more governmental support than is typical.
- (3) Recruiting and retaining a highly skilled workforce; During the COVID-19 pandemic, there was a need to reduce the Amtrak workforce through a series of layoffs and furloughs, so it will be challenging to backfill positions with the specialized skills needed for a modern workforce.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association, or other organization during your appointment? If so, please explain.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? No.

If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

N/A

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

Samuel Elijah Lathem

DOB: October 22, 1943

Samuel E. Lathem was born on October 22, 1943 at home in Woodlyn, Pennsylvania to Letty and James Lathem. A birth certificate was issued by Chester Hospital in Chester, Pennsylvania.

**Service Record**

Samuel Lathem attended Woodlyn Elementary School in Woodlyn, Pennsylvania. He went to live with an uncle in Kankakee, Illinois and attended junior high school there. He then finished junior high school at Showalter Junior High in Chester, Pennsylvania. He attended Chester High School and left in 11<sup>th</sup> grade (1963) to enlist in the armed forces.

Samuel Lathem served in the U.S. Army from 1963-1965. He completed his basic training at Fort Gordon, Georgia and MOS training at Fort Hood, Texas. He served in Entry Battalion, 6<sup>th</sup> Artillery, 1<sup>st</sup> Armed Division. Promoted to GE4, wheel track mechanic. He was honorably discharged in 1965, US 52 565 403.

**Employment**

Employed by Chrysler Corporation, Newark Assembly Plant, beginning in 1965.

Became a member of UAW Local 1183, Newark, Delaware. In 1990, appointed Administrator of the UAW Region 8 Training Center, Newark, Delaware. Appointed International Representative of the UAW in 1999. Retired from UAW in 2003. In 2003, elected first African American to represent all of labor in the State of Delaware as the President of the State AFL-CIO.

**Community Service**

In 1976, Samuel Lathem was licensed to preach the gospel as a minister in the First Baptist Church, Marple, Pennsylvania. Ordained Baptist preacher in 1992 by New Hope Baptist Association at First Baptist Church in Morton, Pennsylvania. Currently serves as an Associate Minister at Cornerstone Fellowship Church in Wilmington, Delaware. Also attended Philadelphia College of Bible for two years.

**Community Positions**

Appointed by Governor Dale Wolf to serve on the Interagency Council on Literacy.

Appointed by Governor Tom Carper to serve on Diamond State Port Corporation (Port of Wilmington), Workforce Investment Board.

Elected to serve as Chairman of Delaware Advisory Council on Career and Technical Education. Appointed by Governor Ruth Ann Minner to serve as first African American as Commissioner of Delaware River and Bay Authority, and in 2020, became the first African American to serve as its Chairman.

Appointed in 1996 to serve as first African American to cast votes in the Electoral College for Democratic candidate for President & Vice President.

The CHAIR. Thank you, Mr. Lathem. Ms. Weissmann, welcome.

**STATEMENT OF ROBIN L. WIESSMANN, NOMINEE TO BE A  
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Ms. WEISSMANN. Thank you so much. Good morning, Chair Cantwell, Ranking Member Wicker, Senator Moran, Senator Blumenthal, and Senator Hickenlooper, and other members of the Committee. I am very pleased to be with you today to explain why I hope to serve on Amtrak's Board of Directors, and the contributions I can make.

My background as a lawyer by training and over many years in finance and infrastructure investment is not unusual for a prospective Board member. However, while I have considerable Board experience, what makes me particularly well-suited for the Amtrak Board is my unique background and experience in both the private and public sectors.

I view myself as a purpose driven professional who is dedicated to public service. I was a founding principle and president of the first woman owned investment banking firm on Wall Street, served as Chairman of the Board of a mutual fund, and held positions at major investment and securities firms.

I have also served as State Treasurer of the Commonwealth of Pennsylvania, where I was custodian for more than \$120 billion in public assets, and as Pennsylvania's Secretary of Banking and Securities. Additionally, I have held appointive positions on numerous Federal and State Boards responsible for financial oversight, securities regulation, and economic development.

I currently serve as Executive Director and CEO of the Pennsylvania Housing Finance Agency, where I manage operations and direct initiatives that promote development of affordable housing and provide financing for homeownership.

In that position and many of the other public sector roles over the years, I have used my extensive experience in bringing together public and private entities on projects intended to achieve public goals, ultimately seeking to produce a return on the private investment while working with elected officials of both parties.

As a resident of the Philadelphia area who has spent many years working on Wall Street and for Pennsylvania State Government, I have been a frequent Amtrak passenger for many decades. However, I have also spent considerable time working in other parts of the country where passenger rail service was negligible and cars and sometimes planes were the only option for intercity travel.

I appreciate what Amtrak service does for the Northeast, but also what it could do in other regions of the country if it received adequate, assured, multi-year funding that would allow it to make major investments. The large increase in funding that last year's Infrastructure Investment and Jobs Act will provide for Amtrak over the next 5 years is an important first step in that direction.

From my experience in infrastructure finance and in the administration of public funds and projects, I am aware that a large infusion of funding creates accounting, financial, and project management challenges for any organization.

It is important that Amtrak's Board include members with experience in these areas who can advise, oversee, and support the ef-

forts of Amtrak's management to address the welcomed challenge of receiving money to begin pursuing long sought goals while ensuring financial accountability, transparency, and optimal use of public funding. I can provide that expertise. The coming years will be an exciting time for Amtrak.

If confirmed, I welcome the opportunity to serve on its Board at a particularly relevant time for someone with my experience and background, and I will be happy to answer any questions you may have.

[The prepared statement and biographical information of Ms. Weissman follow:]

PREPARED STATEMENT OF ROBIN L. WIESSMANN, NOMINEE TO BE A DIRECTOR,  
AMTRAK BOARD OF DIRECTORS

Good morning, Chair Cantwell, Ranking Member Wicker, and other members of the Commerce Committee. My name is Robin Wiessmann, and I am very pleased to be with you today to explain why I hope to serve on Amtrak's Board of Directors, and what contributions I can make.

My background as a lawyer by training over many years in finance and infrastructure investment is not unusual for a prospective board member. However, while I have considerable board experience, what makes me particularly well suited for the Amtrak Board is my unique background and experience in both the private and public sectors. I view myself as a purpose-driven professional who is dedicated to public service.

I was a founding principal and president of the first women-owned investment banking firm on Wall Street, served as chairman of the board of a mutual fund, and held positions at major investment and securities firms. I have also served as State Treasurer of the Commonwealth of Pennsylvania, where I was custodian of \$120 billion in public assets, and as Pennsylvania's Secretary of Banking and Securities. Additionally, I have held appointive positions on numerous Federal and state boards responsible for financial oversight, securities regulation and economic development.

I currently serve as Executive Director and CEO of the Pennsylvania Housing Finance Agency, where I manage operations and direct initiatives that promote development of affordable housing and provide financing for homeownership. In that position and many of the other public sector roles over the years, I have used my extensive experience in bringing together public and private entities on projects intended to achieve public goals, ultimately seeking to produce a return on the private investment, while working with elected officials of both parties.

As a resident of the Philadelphia area who spent many years working on Wall Street and for Pennsylvania's state government, I have been a frequent Amtrak passenger for many decades. However, I have also spent a lot of time working in other parts of the country where passenger rail service was negligible and cars and sometimes planes were the only option for intercity travel. I appreciate what Amtrak service does for the Northeast, and what it could do in other regions of the country if it received adequate, assured multi-year funding that would allow it to make major investments.

The large increase in funding that last year's Infrastructure Investment and Jobs Act will provide for Amtrak over the next five years is an important first step in that direction. From my experience in infrastructure finance and in the administration of public funds and projects, I am aware that a large infusion of funding creates accounting, financial and project management challenges for any organization. It is important that Amtrak's Board include members with experience in these areas who can advise, oversee and support the efforts of Amtrak's management to address the welcome challenge of receiving money to begin pursuing long sought goals while ensuring financial accountability, transparency and optimal use of public funding. I can provide that expertise.

The coming years will be an exciting time for Amtrak. If confirmed, I welcome the opportunity to serve on its Board at a particularly relevant time for someone with my experience and background. I will be happy to answer any questions you may have.

## A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
Robin Lee Wiessmann.  
Former Name: Robin Wiessmann Dougherty (1978–1985; previous marriage)
2. Position to which nominated: Director, Amtrak Board of Directors,
3. Date of Nomination: April 29, 2022.
4. Address (List current place of residence and office addresses):  
211 North 2nd Street, Harrisburg, PA 17101 (Work)
5. Date and Place of Birth: March 14, 1953; Glen Ridge, NJ.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
Husband: Kenneth Malerman Jarin, Esquire; Partner at Ballard Spahr, LLP  
Son: Alexander Wiessmann Jarin, 30 years old  
Daughter: Karley Wiessmann Jarin, 27 years old
7. List all college and graduate degrees. Provide year and school attended.  
BA, Lafayette College, 1975  
JD, Rutgers School of Law-Camden, 1978
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
1975—US Environmental Protection Agency—NPDES Division—June—August—Intern  
1975–1977—US Environmental Protection Agency, District 3 Philadelphia, PA; Legal Intern (Part-time)  
1977–1978—White & Williams Law Firm, Philadelphia, PA; Legal Intern (Part-time)  
1978–1980—Philadelphia National Bank, Philadelphia, PA; Management Trainee/Associate, Real Estate and Construction Lending  
1980–1983—City of Philadelphia, Philadelphia, PA; Deputy Revenue Secretary, Deputy Director of Finance, & Deputy Managing Director; Management of City's Debt Issuance; Designee on various Boards and Commissions.  
1984–1990—Goldman Sachs & Company, New York, New York; Associate & Vice-President, Municipal Finance; National and regional capital markets transactions.  
1990–1999—Artemis Capital Group, New York, New York; Founding Principal and President; Investment Banking; First women owned broker dealer on Wall Street.  
1999–2001—Dain Rauscher, Inc., New York, New York; Managing Director; National banking practice (acquired Artemis Capital Group).  
2002–2006—Brown/Wiessmann Group (Self Employed), Bucks County, PA; Principal; Advisory Consulting  
2006–2007—Merrill Lynch Capital Markets Division, New York, New York; Managing Director, municipal markets.  
2007–2009—Commonwealth of Pennsylvania, Harrisburg, PA; State Treasurer; Appointed to fill remainder of Us Senator Bob Casey's term.  
2009–2014—Self Employed; Variety of Board positions, such as: Met-Pro Corporation, Vantagepoint Funds Mutual Funds (Chair), Lumesis, Enertech, and the Municipal Securities Rulemaking Board.  
2015–2020—Commonwealth of Pennsylvania, Harrisburg, PA; Secretary of Banking & Securities.  
2020 to present—Pennsylvania Housing Finance Agency, Harrisburg, PA; CEO and Executive Director.
9. Attach a copy of your résumé.  
Attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- Met-Pro Corporation Board Member (2009–2013)
- Vantagepoint Funds Board Member & Board Chair (~2003–2013)
- Lumesis Board Member (~2012–early 2015)
- The Municipal Securities Rulemaking Board (MSRB)– a self-regulatory board under the SEC (2012–2015)
- As reflected on my resume, various boards, ex officio, as part of my work duties.
- Gubernatorial designee on the PHEAA (PA Higher Education Assistance Authority) Board (2016–2021)
- Bucks County Council of the Boy Scouts of America (2013–early 2015)
- Duke University School of Public Policy Board of Visitors (2013–2019)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

- Great Harbor Yacht Club—Current Member; Treasurer (2011–2015)
- Duke University Sanford School of Public Policy—Board of Visitors (2012–2019)
- Boy Scouts of America—Bucks County Council Board Member (2013–2015)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Though never a candidate for public office, I was appointed by Governor Edward G. Rendell, and confirmed by the PA State Senate, to serve as the Pennsylvania State Treasurer from April 2007 through January 2009.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

N/A.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

After a review of my records, and public records, to the best of my knowledge, I have made the contributions which follow.

- 2015, Hillary for America: \$2700
- 2016, Katie McGinty for Senate: \$1000
- 2017, Casey for Senate: \$1,000
- 2018, Scanlon for Congress: \$1,700
- 2018, Scanlon for Congress: \$1,000
- 2018, Gina M Raimondo: \$1,000
- 2019, Scanlon for Congress: \$1,500
- 2019, Biden for President: \$2,800
- 2021, Conor Lamb for Senate: \$2900
- 2021, Friends of Schumer: \$1,000
- 2021, Conor Lamb for Senate: \$2900
- 2021, Friends of Wendy Barish: \$1,000

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- North American Securities Administrators Association Outstanding Service Award 2021
- Philadelphia Inquirer's Influencers of Finance Lifetime Achievement Award 2019
- Lifetime Achievement Award Women in Public Finance 2014
- The Arthur E. Armitage, Sr. Distinguished Alumni Award, Rutgers School of Law-Camden 2007

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

- Quarterly Newsletter for the Department of Banking and Securities, with updates on the Department, while Secretary of Banking & Securities. (2015-2020)
- Governing Magazine, 8/30/2018, Co-authored article: *The Financial Knowledge Inmates Need to Reenter Society*
- Harrisburg Patriot News, 9/14/2018, Authored article: *Ten Years Later we can't forget the lessons that Lehman Brothers taught us.*
- The Municipal Bond Handbook II, published 1983 by Dow Jones Irwin, Authored article: *State and Local Government Revenues, Taxpayer Revolts, and Crises.*

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn: <http://www.linkedin.com/in/rwiessmann> (active)  
<http://www.linkedin.com/mwlite/company/pa-housing-finance-agency>  
 (active; managed by PHFA staff)  
 Twitter: <https://twitter.com/phfawiessmann> (active; managed by PHFA staff)  
<https://twitter.com/phfatweets> (active; managed by PHFA staff)  
 Facebook: <https://www.facebook.com/robin.wiessmann>  
 (active, primarily used to view, not post; personal)  
 Instagram: <https://www.instagram.com/robinwiessmann/?hl=en>  
 (active, primarily used to view, not post; personal)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

- Testimony for the House Financial Services Committee, 3/12/2008, about the impact on states and municipalities during the Financial Crisis.
- Written testimony submitted to the Senate Banking Committee for the record 7/24/2019, on regulations pertaining to state banking of marijuana.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have pursued and enjoyed a unique professional career with both in-depth public sector experience, and deep private sector experience. This is particularly relevant for Amtrak which has public accountability, and private sector expectations. Throughout my career I have integrated both experiences, and applied them to financial analysis and operations, management, marketing and branding, and governance arenas.

As a long time investment banker, skilled in financial markets, regulatory policies and requirements, and credit analysis, I have worked on formulating creative financing solutions, with practical applicability. This has ranged from some of the early structured and variable rate products, and credit enhancement structures on Wall Street, to implementing asset reallocation and portfolio diversification while the chief financial fiduciary of more than \$120 Billion of state assets while State Treasurer, and as a creator of, and subsequent Chair of a Section 40 Act Mutual Fund Company with assets in excess of \$20 Billion.

My primary focus as an investment banker, was in infrastructure, including extensive work for Cities and States nationally, such as New York City and state, Chicago, and Illinois, Miami and Florida, Austin, Houston, Dallas, and the State of Texas, Louisiana, Pittsburgh, Philadelphia and Pennsylvania, Seattle and San Francisco and Los Angeles, and California among others. I worked extensively on the General Obligation credits of these cities and states, as well as extensive revenue bond programs with the major transportation systems, including mass transit, aviation, and port authorities of a variety of cities and states.

I have significant, tested capabilities as a crisis manager having managed the Pa State Treasury during the Great Financial Crisis of 2008, and as CEO and Executive Director of the Pa Housing Finance Agency, with assets well in excess of \$6 Billion during The Pandemic of 2020, along with the reverberations continuing today.

Throughout all of this I have focused on Enterprise Risk Management, along with facile decision making.

In addition to being a decades long, often daily, consumer of Amtrak services, my interest in Amtrak is consistent with my career-long focus on infrastructure, the environment, operating systems, and financial management. The totality of my career has been focused on financial management, capital markets, good governance, and best practices, along with creative decision making.

All of these elements are critical to the governance of Amtrak, and most importantly, to its long-term viability.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

As a qualified financial expert, and as an attorney, I have a deep sense of responsibility to ensure the that legal and fiduciary requirements are built into the conduct and culture of the organizations I serve. Executing principal based management has served me well over the course of my career, in the best of times, and in the most challenging of times. My years of management and board experience along with my genuine interest in best practices, has supported careful, thorough management, as wells as financial & n accounting controls. I support, and act on a business management philosophy of continuous improvement while ensuring efficiency and effectiveness.

I have served within large organizations, and at the top of large organizations, as well as creating both an investment banking firm, registered broker dealer from whole cloth, and a mutual fund. My successful tenure in all of my positions underscores my skills of creating organizations and managing large organizations.

As a board director, my role is to provide advice and counsel, and ensure that best practices are being met throughout the executive staff, policies, and procedures for the agency. I have deep, extensive experience managing private, public, and quasi-public organizations. I have managed large organizations through good economic circumstances, and during economic crises. As a strategic manager, my strengths include effectuating prudent governance, while embracing appropriate change.

22. What do you believe to be the top three challenges facing the department/agency, and why?

- Financial viability
- Transformation to a modern operating system
- Balance of geographic and demographic interests

The challenges for Amtrak are numerous and continuing. Amtrak must not only survive and prosper financially to ensure continuation of services for the Nation's economic and business viability and growth, but also to provide a truly economically effective mode of transportation for its users. It needs to do this through continuous transformation into a current, modern operating system with cost efficiencies, enhanced operating efficiencies, along with safety for passengers and employees.

These are significant challenges for any business, but particularly for such a capital intensive business, with accelerated depreciation and obsolescence of assets. The national geographic reach and need for equitable distribution of services for geographic and demographic interests, compounds the challenges.

These challenges can only be met with a collaborative, reasoned decision making process to ensure the best results possible.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450). In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

N/A

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

NO. N/A.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

NO. N/A.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

In the course of normal business, while Treasurer of the Commonwealth of PA, and as Secretary of Banking and Securities, I have been named in matters pertaining to the respective agency.

4. Have you ever been convicted (including pleas of guilty or *nobo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

NO. N/A.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

NO. N/A.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

To the best of my knowledge, none.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

**ROBIN L. WIESSMANN****CHIEF EXECUTIVE OFFICER**

*Financial Markets – Investment Management – Investment Banking  
Pension Investments – Policy Development – Regulatory Compliance  
Risk Management – Qualified Financial Expert – Crisis Management*



As head of the Pennsylvania Housing Finance Agency (PHFA), CEO and Executive Director Robin L. Wiessmann oversees a staff of 16 divisions that work to finance and develop single and multi-family housing across Pennsylvania. As CEO, she manages the day-to-day operations of the agency and directs multiple initiatives with a variety of financing mechanisms, including allocation of federal housing tax credits, housing trust funds, a variety of Pennsylvania funds, along with accessing the capital markets for single family mortgage bonds. Wiessmann administered CARES funding for mortgage and rent relief.

Wiessmann's previous public service positions includes Secretary of the Pennsylvania Department of Banking and Securities, and Treasurer of Pennsylvania during the Financial Crisis. Much earlier she served as Deputy Director of Finance of the City of Philadelphia.

A career investment banker, Wiessmann was a founding Principal and President of Artemis Capital Group, the first women-owned investment banking broker dealer on Wall Street, and held leadership positions at Goldman Sachs and Merrill Lynch, and served as a Director of the Met-Pro Corporation. Wiessmann served as Chairman of the Board for Vantagepoint Funds Mutual Fund, an Act 40 company for pension investments, and on the Board of the Municipal Securities Rulemaking Board (MSRB) under the SEC.

Wiessmann serves on the US Federal Reserve, Region Three, Economic and Community Advisory Council (ECAC), on the Board of the National Council of State Housing Agencies (NCSHA) Secretary/Treasurer. Prior to her position at PHFA, Wiessmann served as Secretary of the Conference of State Bank Supervisors (CSBS), and Chair of the Non-Depository Supervisory Committee of CSBS, and served as a member of eight other economic development, policy, and supervisory boards, including the Public School Employees' Retirement System and State Employees' Retirement System. She served as Trustee of the Investor Protection Trust.

In 2019, she received a lifetime achievement award as a Philadelphia Inquirer Influencer of Finance. She is a recipient of the Arthur E. Armitage, Sr. Distinguished Alumni Award from Rutgers Law School, from which she earned a law degree, and is a graduate of Lafayette College. Wiessmann is a Qualified Financial Expert.

## ROBIN L. WIESSMANN

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### CHIEF EXECUTIVE OFFICER

*Financial Markets – Investment Management – Investment Banking  
Pension Investments – Policy Development – Regulatory Compliance  
Risk Management – Qualified Financial Expert – Crisis Management*

**Chief Executive Officer** successful in operations management, investment management, strategic development, and public policy. Leader in re-engineering existing organizations to reflect modern business practices, developing new organizational standards, and creation of forward-looking organizations and programs. Unique understanding of diverse public policy issues, corporate business practices, as well as financial challenges through a career working for, advising, and consulting, for governments and investment banking firms. Founding Principal and President of first national women-owned investment banking broker dealer on Wall Street. Broad experience in, and highly developed comprehension of financial sector practices and federal and state regulatory policy.

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### PROFESSIONAL EXPERIENCE

Pennsylvania Housing Finance Agency, Harrisburg, PA 2020 – Present  
**Chief Executive Officer and Executive Director, PHFA, Commonwealth of Pennsylvania**

Overseeing changes, during the pandemic, to optimize operations and instill a forward-looking approach emphasizing new opportunities for financial growth and public service. Manages operations of a self-funded public corporation with 16 divisions, charged with expanding affordable housing across the state. Oversees a number of programs including: the statewide allocation of federal low-income housing tax credits for funding the construction of multifamily housing; servicing a loan portfolio of more than 60,000 mortgages with an unpaid principal balance of \$4.9 billion; accessing the capital markets; guiding a statewide housing counseling network of 71 agencies; and managing a pioneering foreclosure prevention program approaching 50,000 loans to distressed homeowners. Administration of CARES relief.

Pennsylvania Department of Banking and Securities, Harrisburg, PA 2015 – 2020  
**Secretary of Banking and Securities, Commonwealth of Pennsylvania**

Obtained enactment of licensing and oversight of non-bank mortgage servicers. Emphasis on cybersecurity and fintech. Provided overall leadership to an agency that supervises 200 state-chartered banks, credit unions, and trust companies; licenses more than 20,000 consumer lenders, including mortgage lenders, auto sales finance companies, consumer discount companies, and debt services companies, and registers more than 200,000 investment advisers, investment adviser representatives, investment adviser notice filers, broker-dealers, and broker-dealer agents. Created and implemented a strategic plan that shaped the efforts, priorities, and mission of the department. Revised and modernized regulations.

Pennsylvania Treasury Department, Harrisburg, PA 2007 – 2009  
**State Treasurer, Commonwealth of Pennsylvania**

Successfully navigated asset management and operations during the Great Recession. Fiduciary responsible for safeguarding \$122 billion in state assets and investing \$18 billion of state funds. Led a 520-employee department with an annual budget of \$60 million. Established the strategic direction of the department, implemented major asset reallocation plan, served as ex-officio on 25 state boards, developed and promoted policies including ESG Investing, represented the department before the media, governmental entities, and the public.

## ROBIN L. WIESSMANN

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### PROFESSIONAL EXPERIENCE CONT'D

<b>Municipal Securities Rulemaking Board (SEC)</b> Chair - Governance Committee	<b>Artemis Capital Group, New York, NY</b> Founding Principal and President
<b>Vantagepoint Funds Mutual Fund</b> Section 40 Act Company Chair and Member	<b>Goldman, Sachs &amp; Co., New York, NY</b> Vice President - Manager of the Mid- Atlantic Region
<b>Met-Pro Corporation</b> Board Director Chair- Benefits Committee	<b>City of Philadelphia Department of Finance</b> Deputy Managing Director and Deputy Director of Finance
<b>Merrill Lynch, New York, NY</b> Managing Director, Capital Markets Division	<b>Philadelphia National Bank</b> Associate – Construction and Mortgage Lending
<b>RBC Dain Rauscher, Inc., New York, NY</b> Managing Director—Manager	

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### BOARDS AND COMMISSIONS

Economic and Community Advisory Council  
 National Council of State Housing Agencies – Board Member  
 Commonwealth Cornerstone Group – Chairman  
 Pennsylvania Higher Education Assistance Agency Board  
 Investor Protection Trust – Trustee  
 Duke Sanford School of Public Policy Board of Visitors  
 Municipal Securities Rulemaking Board (SEC)  
 International City Managers Association Retirement Corporation – Vantagepoint Funds, Chair  
 National Association of State Treasurers – Legislative Committee  
 Delaware River Joint Toll Bridge Commission, Vice Chairman  
 National Bond Market Association Board, Executive Committee Member, Municipal Division  
 Citizen’s Budget Commission of New York, Trustee  
 Rockefeller Fellow - New York City Partnership  
 U.S. EPA Financial Advisory Board, Chair; Clinton Administration  
 Small Business Administration National Advisory Council – Clinton Administration  
 Budget and Efficiency Savings Team for the Governor of New Jersey  
 New York City Public/Private Initiative, Inc., Board Member  
 Women’s Venture Fund, Board Member  
 Women’s Campaign Fund Leadership Trustee  
 Lafayette College Board of Trustees and Leadership Council  
 Council of Lafayette Women, Founder  
 North American Securities Administrators Association – Federal Legislation and Fintech  
 Committees Conference of State Bank Supervisors – Non-Depository Supervisory Committee, Chair  
 Pennsylvania Housing Finance Agency – Board of Directors, Chair  
 Pennsylvania Banking and Securities Commission – Vice Chair  
 Commonwealth Financing Authority  
 Pennsylvania Economic Development Financing Authority  
 Pennsylvania Industrial Development Authority  
 Pennsylvania Energy Development Authority  
 Pennsylvania Public School Employees’ Retirement System Board  
 Pennsylvania State Employees’ Retirement System Board

**ROBIN L. WIESSMANN**

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**AWARDS AND RECOGNITION**

North American Securities Administrators Association, Inc. Outstanding Service Award 2021  
Philadelphia Inquirer's Influencers of Finance Lifetime Achievement Award 2019  
Innovative Executive 2019 - 3 Gold Stevie Awards  
Recognized as one of Pennsylvania's "50 over 50" by City and State Pennsylvania 2017 Lifetime Achievement Award Women in Public Finance 2014  
The Arthur E. Armitage, Sr. Distinguished Alumni Award, Rutgers School of Law- Camden 2007  
National Women Executives in State Government "Breaking the Glass Ceiling Award" 1999 Women's City Club of New York Civic Spirit Award 1996  
Named "Business History Maker, Among Twenty" by *Crain's New York Business Magazine* 1995

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**EDUCATION**

JD, Rutgers University  
BA, Lafayette College

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**PROFESSIONAL LICENSES**

Pennsylvania Bar  
Securities Licenses Obtained – Series 7, 24, 53, 63, 65

The CHAIR. Thank you, Ms. Weissman. Mr. Primus, welcome. If you have anybody you want to introduce, please do so.

**STATEMENT OF ROBERT E. PRIMUS, NOMINEE TO BE A MEMBER, SURFACE TRANSPORTATION BOARD**

Mr. PRIMUS. Thank you. Chairman Cantwell, Ranking Member Wicker, distinguished members of the Committee, good morning. I echo my fellow nominees in thanking you for the opportunity to appear before you today. The committee has been provided with a copy of my written statement, and in the interest of time, I will keep my remarks very brief.

I remain humbled and extremely grateful to this committee for its support of my 2020 nomination and subsequent confirmation to become a member of the Surface Transportation Board. The past 2 years at the Board have been both productive and educational, and with your continued support, I hope to serve on the Board for a second full term.

At this time, as the Chairman noted, I would like to recognize the presence of some very special people who, due to COVID-19 pandemic, were not able to be with me during that 2020 hearing. They are my strongest supporters. They are what I call Team Primus.

With me today is my patient and ever supportive wife, Gladys, and our amazing boys, Benjamin, Jacob, and Aaron Francis. Simply put, I wouldn't be here today without them, and I am blessed by their presence.

The CHAIR. Welcome.

Mr. PRIMUS. Pretty cool, boys, huh? All right. Finally, I would like to thank my good friend and fellow Board member Patrick Fuchs for joining me this morning.

Both the Board and I have benefited from Patrick's knowledge and expertise, and I greatly value his support, and most of all, his friendship. With that, I welcome any questions the Committee members might have. Thank you.

[The prepared statement and biographical information of Mr. Primus follow:]

**PREPARED STATEMENT OF ROBERT E. PRIMUS, NOMINEE TO BE A MEMBER, SURFACE TRANSPORTATION BOARD**

Chairman Cantwell, Ranking Member Wicker, and distinguished members of the Committee, thank you for affording me the opportunity to appear before you this morning to discuss my desire to serve a second and full five-year term as a member of the Surface Transportation Board. I remain humbled and extremely grateful to this Committee for supporting my initial nomination and subsequent confirmation in 2020, and I hope that you will look favorably upon my pending renomination.

Some say the second time around is usually a better experience than the first. Time will tell if this is true, but I can certainly attest to the theory as it relates to my family. In 2020, due to the COVID-19 pandemic, I was not allowed to have my family present with me when I came before this Committee. Today, I am very happy to be joined by the entire Team Primus—my amazing wife Gladys and our incredible sons, Benjamin, Jacob, and Aaron Francis. I would not be where I am today without their love and support and hopefully, after today, the boys will think their dad is pretty cool.

Madam Chair and Ranking Member Wicker, there are many reasons why I am seeking to serve a second term. Chief among them is my desire to continue working on the diverse portfolio of issues currently before the Agency that have broad and lasting implications for the Nation's rail network and our national economy. This includes the Board's efforts to address the nationwide deterioration of service levels,

which has negatively impacted numerous business sectors and further strained our national supply chain; and establishing formal plans, in compliance with the Passenger Rail Investment and Improvement Act of 2008, to address the on-time performance challenges that have long plagued Amtrak's regional and long-distance routes.

I would also welcome the opportunity to continue working with the various stakeholders that have a vested interest in maintaining the strongest possible rail network. This would include representatives associated with Class I, II and III railroads; Amtrak; the shipping community, which is comprised of thousands of businesses, large and small, representing every part of our economy; the general public, who may be directly impacted by freight and passenger rail service; and the dedicated men and women who comprise our Nation's rail labor force.

Stakeholder input has been absolutely critical in my efforts to better understand the complex and deep seeded problems that are often brought before the Board. Our ability to develop workable solutions would be virtually impossible without their insight and contributions.

Finally, Madam Chair and Ranking Member Wicker, I am seeking renomination so that I might have the opportunity to continue working with an amazing group of public servants dedicated to ensuring our national rail network is reliable, resilient, balanced, and competitive. It has been a great honor serving alongside the incomparable Board staff in addition to Marty Oberman,

Patrick Fuchs, Michelle Schultz and Karen Hedlund. Mutual respect and an appreciation of differing viewpoints is refreshingly the norm, and there is a genuine camaraderie that has allowed the Board to successfully navigate some very difficult issues. And, in the rare instance when we don't all agree on the path forward, we have always respectfully disagreed without being disagreeable and divisive. That is very hard to find these days, and I strongly believe our national rail network and the country are better for it.

Again, thank you for the opportunity to appear before you today and I look forward to answering any questions you might have.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Robert Edmund Primus.
2. Position to which nominated: Member, Surface Transportation Board.
3. Date of Nomination: June 22, 2022.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: 395 E Street SW, Washington, DC 20423.
5. Date and Place of Birth: October 25, 1969; Denville, New Jersey.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Gladys Barcena (spouse), Senior Director, Government Relations—The Madison Group.
7. List all college and graduate degrees. Provide year and school attended.  
 Bachelors of Science, Marketing—Hampton University, Hampton, Virginia, 1991.
8. List all post-undergraduate employment, and highlight all management level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Board Member, Surface Transportation Board, Washington, DC—January 2021 to present

Senior Advisor, The Honorable Tony Cardenas, United States House of Representatives, Washington, DC—September 2020—January 2021

Chief of Staff, The Honorable Tony Cardenas, United States House of Representatives, Washington, DC—March 2020—September 2020

Senior Advisor, The Honorable Tony Cardenas, United States House of Representatives, Washington, DC—February 2020—March 2020

Senior Advisor, The Honorable Tim Ryan, United States House of Representatives, Washington, DC—November 2019—February 2020

Chief of Staff, The Honorable Nanette Diaz Barragan, United States House of Representatives, Washington, DC—January 2019–October 2019

Chief of Staff, The Honorable Michael E. Capuano, United States House of Representatives, Washington, DC—September 2002–January 2019

Legislative Director, The Honorable Michael E. Capuano, United States House of Representatives, Washington, DC—March 1999–August 2002

Registered Lobbyist, Van Scoyoc Associates, Inc., Washington, DC—January 1995–February 1999

Legislative Assistant, The Honorable Mel Reynolds, U.S. House of Representatives, Washington, DC—January 1994–December 1994

Legislative Assistant The Honorable Carrie P. Meek, U.S. House of Representatives, Washington, DC—July 1993–January 1994

Staff Assistant, The Honorable Frank R. Laufenberg, U.S. Senate, Washington, DC—November 1991–July 1993

Intern, The Honorable Frank R. Laufenberg, U.S. Senate, Washington, DC—August 1991–November 1991

9. Attach a copy of your résumé.

Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years. None.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Congressional Black Associates 1991–2021

House Chief of Staff Association (2002–2020)

USA Hockey (2014) to present

The 116 Club, Member, 2016 to present

The National Democratic Club, Member, 2015–2018

None of these organizations restrict membership on the basis of sex, race, color, religion, national origin, age or disability.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes. was elected to serve as Correspondence Secretary for the Ward 7 Democrats in Washington, DC. The campaign did not have any outstanding debt.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

*2010 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.*

*2012 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.*

*2014 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.*

*2016 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.*

*2018 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.*

*2020 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Tony Cardenas—Serve as liaison between the Congressman's official office and campaign.*

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

I have never made any political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Youth for Tomorrow Mentoring (Chicago) Excellence in Service Award  
 Washington Government Relations Group Augustus F. Hawkins Award  
 Congressional Black Associates Trailblazer Award  
 Honorary Citizen of Louisville, Kentucky  
 Honorary Kentucky Colonel

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have not authored, individually or with others, any books, articles, columns, Internet blog postings, or other publications.

In my capacity as an STB Board Member, I have given remarks three times on STD-related topics. I spoke at the Northeast Association of Rail Shippers (NEARS) conference in 2021; the Transportation, Elevator and Grain Merchants Association (TEGMA) conference in 2022; and the Specialty Soya and Grains Alliance conference in 2022.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn: <https://www.linkedin.com/in/robert-primus-a651ab2/>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

On August 6, 2020, I testified before the Senate Committee on Commerce, Science, and Transportation as a nominee to the Surface Transportation Board.

On May 12, 2022, I appeared before the House Transportation and Infrastructure Committee's Railroads, Pipelines and Hazardous Materials Subcommittee as a Member of the Surface Transportation Board.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I am honored to currently serve as a Member of the Surface Transportation Board and am seeking renomination because I have a strong desire to continue my service to the Nation in this capacity. Over my twenty-five years of public service, I have sought to build a reputation centered on objectivity and fairmindedness, which in turn has allowed me to become a strong consensus builder and problem solver. In the year and a half that I have been a Board Member, I maintained this mindset while focusing on a variety of issues that are extremely important to the Nation's freight and passenger rail networks. It is my hope that I will be given the opportunity to continue working with my fellow Board Members to deliver appropriate and meaningful decisions that will enhance the network and strengthen our national supply chain.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

First and foremost, I believe it would be my responsibility and duty to continue to support the Chairman in his role as the administrator of the agency's operations. It is incumbent upon me and other Board Members to assist him in his efforts to properly oversee administrative functions within the Agency and effectively address all identified deficiencies. With respect to proper management and accounting controls, special attention should be given to Congressional directives outlined in the Surface Transportation Board Reauthorization Act of 2015, as well as recommendations brought forth by the Department of Transportation's Inspector General.

22. What do you believe to be the top three challenges facing the department/agency, and why?

- (1) The Board must do all that it can to address the service challenges currently reverberating through the Nation's freight rail network. The network is a critical component of our national supply chain and the current service failures pose a real threat to the health of the national economy. The Board should continue its active engagement with its railroad and shipper advisory committees and use the authority endowed by Congress to investigate and mitigate service issues of national and regional significance.
- (2) The Board must continue its efforts to address issues related to passenger rail, including the potential growth of passenger service across the national rail network. The promise of improved and expanded passenger rail service is of great importance to efforts underway to enhance our Nation's mobility. In response to the new rules related to Amtrak's on-time performance, the Board is in the process of setting up a new passenger rail office. Additionally, I have been working with my fellow Board members on a number of critically important passenger rail-related issues, including Amtrak's desire to expand its service in places such as the Gulf Coast region.
- (3) The Board must continue to make headway with respect to its pending proceedings. There are a number of key issues that have major implications for both the railroad and shipping communities. Over the past few years, the Board has made great strides in tackling many of these issues and I hope that I can continue to contribute to the resolution of these pending matters in a way that is both timely and appropriate.

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I have no commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during my appointment.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Surface Transportation Board's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

None. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Surface Transportation Board's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics

agreement that I have entered into with the Board's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Surface Transportation Board's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will continue to be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

Over the past ten years, in my capacity as a Chief of Staff and Senior Advisor to four different Members of Congress, it was often my responsibility to develop, coordinate and execute strategies on behalf of the respective Members that would directly influence the passage, defeat or modification of legislation that came before the House of Representatives.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

Yes. In 1992, while my parents were out of town, I had accidentally locked myself out of their townhouse, located in a gated community in Washington, DC. An individual living in their gated community thought I was trespassing and aggressively confronted me, which resulted in a physical altercation between the two of us. I was subsequently arrested and charged with a misdemeanor simple assault. I plead not guilty and requested a jury trial before the DC Superior Court. I was found not guilty by a jury of my peers and my arrest record was sealed and ultimately expunged.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No, I have never been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No, I have never been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I have no further information that I wish to provide.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency en-

- deavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.
2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

## Robert E. Primus

### SUMMARY

A team-oriented, senior professional with nearly thirty years of substantive experience in the legislative, advocacy and regulatory fields; adept at researching and analyzing complex legislative, public policy, and regulatory issues while working in demanding environments; possesses excellent written and oral skills; results-oriented, with a solid record of legislative and policy accomplishments built upon proven abilities in strategic planning, administration and project management.

### PROFESSIONAL EXPERIENCE

**SURFACE TRANSPORTATION BOARD** January 2021-Present  
Washington, DC

**Board Member**  
Nominated by the President on July 27, 2020; confirmed by the U.S. Senate on November 18, 2020; Sworn-in on January 6, 2021

Primary responsibilities

Serves as a Principal of the independent federal regulatory agency responsible for, among other things, deciding disputes involving railroad rates, practice, and service issues, as well as reviewing rail restructuring transactions, including mergers, line sales, line construction and abandonments.

**OFFICE OF THE HONORABLE TONY CÁRDENAS, (CA-29)**  
U.S. House of Representatives, Washington, DC

**Senior Advisor** September 2020 - January 2021

Primary responsibilities

Advised the Member and Chief of Staff on legislative and political matters.

**OFFICE OF THE HONORABLE TONY CÁRDENAS, (CA-29)**  
U.S. House of Representatives, Washington, DC

**Chief of Staff** April 2020 – September 2020

Primary responsibilities

Principal advisor to Congressman Cárdenas. Oversaw the day-to-day operations, management and administration of the office that included conducting daily check-ins with the District Director to ensure open lines of communications and connectivity with the District Office. Served as the chief office liaison to BOLD PAC, the political action arm of the Congressional Hispanic Caucus. The Congressman serves as its chairman.

Accomplishments

- Assumed the position of Chief of Staff during the initial stage of the COVID-19 pandemic and proceeded to guide the office through the corresponding shutdown and subsequent transition into a fully functioning and predominately virtual congressional office.
- Served as the Congressman's point person as he entered the leadership race for Assistant Speaker of the House of Representatives. Worked with other senior staff members to develop a comprehensive strategic plan that highlighted the Congressman's strengths and vision for the position and provided an operational plan for him to engage members of the Democratic Caucus to win their support.

- Responsible for coordinating the office response to the pandemic which included working with the Capitol Hill team to craft legislation and policy initiatives focused on working class communities and communities of color, and working with the District team to develop a system in which the office could both maximize its outreach to constituents and quickly respond to their rapidly increasing requests for help.
- Coordinated a week-long, all hands-on deck effort, involving staff from both the District and Washington, DC, to address the surge in constituent requests for help with Paycheck Protection Program (PPP) applications. Through our efforts we were able to help a number of constituents secure PPP loans to help save their small businesses.
- Brought senior staff together to coordinate the office response in the wake of the killing of George Floyd. This included the development of social media posts, legislative proposals related to the criminal justice reform and policing, and constituent outreach efforts, including organizing a virtual townhall meeting with several local youth leaders to discuss their views on police brutality within communities of color.
- Worked with the Communications Director to develop a comprehensive communications/media plan to enhance the Congressman's local media outreach and increase his national exposure. This also included me signing off on allocating office funds for the redevelopment and relaunch of the Congressman's official website.
- Reorganized the policy responsibilities for the Legislative team to better align each staffer's portfolio and areas of interest.
- Organized a series of virtual meetings with the Legislative and Field Representative teams to identify the critical issues facing California's 29th Congressional District and developed a comprehensive action plan to present to the Congressman for approval and ultimate implementation.
- Participated in weekly zoom calls with the political team to discuss campaign issues and re-election strategy.

**OFFICE OF THE HONORABLE TONY CÁRDENAS, (CA-29)**  
U.S. House of Representatives, Washington, DC

**Senior Advisor**

**February 2020 - April 2020**

Primary responsibilities

Advised the Member and Chief of Staff on legislative and political matters.

**OFFICE OF THE HONORABLE TIM RYAN, (OH-13)**  
U.S. House of Representatives, Washington, DC

**Senior Advisor**

**November 2019 - February 2020**

Primary responsibilities

Provided legislative background and expertise to the Member and Chief of Staff in the areas of healthcare, transportation, budget and appropriations, and national security. Drafted an updated Office Employee Handbook that included modifications as directed by the Chief of Staff and Deputy Chief of Staff. Provided formal and informal guidance to members of the Congressman's legislative team.

**OFFICE OF THE HONORABLE NANETTE DIAZ BARRAGÁN, (CA-44)**  
U.S. House of Representatives, Washington, DC

**Chief of Staff**

**January 2019 - October 2019**

Primary responsibilities

Accountable for the day-to-day operations and management of the Congresswoman's office. Served as the primary staff liaison to the Democratic leadership, as well as the Energy and Commerce Committee and the Congressional Hispanic Caucus. Provided legislative background and expertise in the areas of healthcare, transportation, budget and appropriations, and national security. Served as the Congresswoman's staff liaison to her Washington-and California-based fundraisers.

Accomplishments

- Successfully led an effort on behalf of the Congresswoman to secure a seat on the Committee of Energy and Commerce as well as its coveted Subcommittee on Health.

- Was responsible for rebuilding the Legislative and Administrative teams after significant staff departures.
- Served as the principle health staffer for the Congresswoman until bringing a health policy counsel onto the team.
- Was the principal staff member for political activities including those associated with the California Congressional Democratic Caucus.
- Revised and updated the Office's Employee Handbook to meet current standards set forth by the Office of House Employment Counsel.

**OFFICE OF THE HONORABLE MICHAEL E. CAPUANO, (MA-07)**  
U.S. House of Representatives, Washington, DC

**Chief of Staff**

**September 2002 – January 2019**

Primary responsibilities

Chief advisor and administrator; developed and executed political and policy agendas; oversaw the office's day-to-day operations and management; hired staff and implemented personnel policies and procedures; managed legislative portfolio related to health care, national security, transportation, homeland security and national intelligence; served as primary staff contact for the Congressional Community Health Center Caucus, of which the Congressman was a co-chair; served as chief liaison to the House Leadership and the Massachusetts Congressional delegation; was the primary point-of-contact with the Congressman's Washington-based fundraiser and worked with the fundraiser to develop and coordinate all fundraising events in Washington; developed, coordinated, and managed all district- and state-specific appropriations projects.

Leadership Accomplishments/ Roles

- Staff point-of-contact for the Democratic Steering and Policy Committee.
- Chief liaison for Chairman Capuano's Democratic Caucus' Organization, Study and Review Committee. during the 2006 overview of Caucus rules and procedures.
- Staff liaison for Chairman Capuano's Transition for Incoming House Democratic Majority in 2006.
- Liaison and special advisor to the Committee on House Administration 2007-2010.
- Supported Mr. Capuano's efforts to elect Congressman John Larson Vice Chair of the Democratic Caucus.
- Managed the healthcare portfolio within the most health-centric congressional district in the country.
- Worked directly with the Commonwealth of Massachusetts during the implementation of the Affordable Care Act.
- Worked with other senior staff in the Massachusetts Congressional delegation to assist the Commonwealth with its 1115 Medicaid waiver application to CMS.
- Worked closely with leading Massachusetts health care institutions on critical health care issues including Medicaid waivers, the Area Wage Index, the PACE program, the 340B drug program, the Graduate Medical Education program, the dual-eligible program, community health center funding, and issues surrounding behavioral health.
- Secured more than \$400 million in Congressionally directed federal funding for the district.
- Organized, coordinated, and staffed CODEL Capuano to Afghanistan and Pakistan, which was the first American delegation to meet with then newly elected Pakistani Prime Minister Syed Yousaf Raza Gillani.

Notable Misc.

- Deep personal ties to an extensive list of Democrat and Republican members and staff
- Strong relationships with House Leadership and Committee staff
- Strong relationships with members and staff of the Congressional Black Caucus, Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus
- Possess an active Top-Secret Security clearance

**Legislative Director**

**March 1999 – September 2002**

Served as senior policy advisor, responsible for the coordination and oversight of all legislative activities; oversaw the constituent correspondence operation; managed all district- and state- specific appropriations projects; responsible for the Congressman's legislative portfolio related to national and homeland security and intelligence.

In this capacity, acted as the primary staff contact for the House Democratic Whip Team during the Congressman's tenure as a regional whip; served as the Congressman's associate committee staff during his time on House Budget Committee; and researched and drafted the Juvenile and Young Adult Witness Protection bill of 1999, which was later included in a comprehensive juvenile justice bill that was subsequently signed into law.

**VAN SCOYOC ASSOCIATES, INC., WASHINGTON, DC**

**Registered Lobbyist** **January 1995 – February 1999**  
 Represented major corporate, not-for-profit, healthcare, academic, and state government clients before the United States Congress and the Executive Agencies.; responsible for the development and execution of client strategies; provided drafted client testimony, report language, and briefing materials; coordinated and conducted briefings with Members of Congress and their staff; provided legislative research and analysis for clients.

**OFFICE OF THE HONORABLE MEL REYNOLDS, (IL-2)**  
**U.S. House of Representatives, Washington, DC**

**Legislative Assistant** **January 1994 - December 1994**  
 Briefed and advised the member on legislation and the impacts to the district; served as staff representative to the White House Conference on Small Business and the Democratic Health Care Seminars; served as a Team Captain on the Democratic Leadership's Message Board; drafted and analyzed legislation individually and in collaboration with colleagues in other member offices.

**OFFICE OF THE HONORABLE CARRIE P. MEEK, (FL-17)**  
**U.S. House of Representatives, Washington, DC**

**Legislative Assistant** **July 1993 - January 1994**  
 Briefed and advised the member on legislation related to national security, telecommunications, trade, and agriculture policy; drafted Dear Colleagues, constituent letters and floor statements; met with industry representatives and constituents.

**OFFICE OF THE HONORABLE FRANK R. LAUTENBERG, (NJ)**  
**U.S. Senate, Washington, DC**

**Staff Assistant** **November 1991 - July 1993**  
 Assisted the Administrative Assistant, Legislative Director and State Director with time sensitive and sometimes confidential mail inquires; assisted senior staff with tracking and researching legislation; drafted briefing memos for legislative fellows.

**EDUCATION**

**HAMPTON UNIVERSITY - Hampton, Virginia** **May 1991**  
 Bachelor of Science Degree in Marketing  
 Graduated *Cum Laude*

**HARVARD UNIVERSITY - Cambridge, Massachusetts** **Summer 2007**  
*John F. Kennedy School of Government*  
 Senior Managers in Government – Certificate Program

The CHAIR. Thank you. Thank you very much. I think I would like to start with you, Mr. Coscia, if I could. Will we restore the Seattle to Vancouver, British Columbia service this month?

Mr. COSCIA. Chair, that is a distinct possibility, although there are some sort of final arrangements that need to be made in order for that to happen. Certainly our expectation is that by the end of the year that would happen, but we are working very, very hard at trying to make that date sooner as possible.

The CHAIR. What is the issue with restoring that date? Because we have kind of made announcements is going to be restored, and then I would have said that that was an easy yes that you were going to give me. And so, I get that when you are talking about service, you want to be accurate. I get that part, but—

Mr. COSCIA. As you know, in the recovery from the pandemic, we have had to face many, many challenges. I, frankly, was very tempted to give you a very quick yes, but our experience since recovering from the pandemic shows us that we need to be incredibly cautious about the commitments that we make, in terms of being able to meet them, given some of the variables we can't control.

But our feeling is that we are able to get both the workforce and the commitments in place and hopefully within the next 30 days that would be possible, but I could not tell you today that that is an absolute certainty.

The CHAIR. Well, I am glad you brought up this very important word, because I am not sure that I heard many of the nominees talk about this, and that is the issue of work force. So this is the critical issue.

And I think that when we are talking about this service, which means so much economically to our regions—I mean, when I think about the Gulf Coast, I have to put in a word because my colleague mentioned it, I am very supportive of reestablishing on that service. It has been way too long for us not to have that established.

So we had a pandemic and we had disruption of services in key areas across the West. And my colleague, I am sure, from Montana, will show up at some point in time and talk about that. So I think what we need, what I need before I can support any of the nominees before us today, is a commitment for us to come up with a workforce strategy and plan that allows us to continue.

We cannot simply say we don't have enough conductors, we don't have enough baggage handlers, we don't have enough this. The public believes they survived the pandemic, so now they want to see the services restored. And we all have workforce issues. Everybody in America has workforce issues.

But what I didn't hear enough of is, what does Amtrak believe they need to do about that to get the services reestablished that we need in America. So I am a big fan, you know, of the Amtrak services. I don't know if any of the other Board nominees want to talk about workforce issues or what you think Amtrak needs to do on that front? Mr. Koos.

Mr. KOOS. I would just say that it does require some patience. We are seeing it in my community with issues of construction materials, things like that. I would agree with Mr. Coscia on the fact that it is hard to pin a date on things.

And I have found as a Mayor that you don't announce a date until you have got a pair of scissors in your hand and ready to cut a ribbon, because it is really, really difficult to plan how things are going to happen. But the need for workforce training is a huge issue.

We are seeing our community colleges is stepping up trying to train people, but it takes time. And there are a lot of people that realize this is an issue to be dealt with and are working very hard on it.

The CHAIR. Well, I am very serious about this because I saw the disruption of the service and had to press Amtrak on it as it related to Montana. And what was it about? It was about conductors. And then what was it about? It was about getting a schedule of conductors and making it work.

And now if we are saying we are delaying the Seattle to Vancouver service again because of not having baggage handlers on the Canadian side, these are all problems that affect the public. This is—I guess I just want to say, we are not messing around here. We are not messing around here when it comes to reestablishing these services.

So I hope that the nominees will give a lot of thought to what are we going to do to make sure that we have a workforce to deliver these services and get about this task of expansion. If I could, what—

Mr. COSCIA. Senator, I am sorry to interrupt you, but if I can just expand on the comment you just made—

The CHAIR. Yes, please.

Mr. COSCIA.—because I think there are two things that I wanted to point out. One is that you make an absolutely excellent point about the fact that in order to recruit the people we need to operate these services, we have got to think way outside the box from what we normally did. And we are doing that.

And I say this to sort of respond to your need for and a commitment certainly from me, and I think others would share this, that we have—we are doing things that we have never done as a company before in terms of the recruiting process, going right down to the idea of working with different unions to create apprenticeship programs.

We have done job fairs in a host of cities around the country, and it has created great results. As I mentioned in my testimony, we have already hired 2,800 people since the beginning of this Fiscal Year. Our target number is 4,000, and we think we are well on the way toward bringing a lot more people into it.

And to sort of get back to that, the reason why I was being cautious about my response in connection with sort of restarting the Cascades, is that our start date, that is literally—in the information that we circulate among ourselves, is to begin one frequency on September 26th.

Now, I know because I am ultimately responsible as the Chair that we will meet that day and we will do everything that is humanly possible to do that. But I also know that, you know, we have had disruptions in the past.

But you should rest assured that we are committed to a very aggressive recruitment program that we think has already shown

very positive results and that we are committed to restoring the Cascade service, and expect that by the 26th, at least one frequency will be back in service.

The CHAIR. Thank you. Thank you. Senator Wicker.

Senator WICKER. Thank you very much. Well, I really appreciated the testimony today. I appreciate Mr. Capozzi talking about the need for improving access to people with disabilities. Reverend Lathem, you are absolutely right.

I am very, very interested in better recruiting and more successful recruiting from the HBCU. So thank you very much. It should surprise no one that I really want to talk about Gulf Coast rail. And Mr. Primus and Mr. Fuchs in the audience, thank you for allowing me to testify before the STB.

There have been hearings, 11 day evidentiary hearing. And then in May, STB members expressed disappointment with the level of detail and analysis offered and gave the parties additional discovery time.

Do you have better information and better detail now? Do you have what you need, Mr. Primus?

Mr. PRIMUS. The simple answer in my mind is, I hope so. I mean, we are still evaluating the information that was just presented to us very recently. And in my mind, honestly, you know, I understand the frustration and the delay of even our decision. And we are working expeditiously to try and get to that conclusion.

I think in terms of asking for this additional information, we needed to be sure what was being presented on both sides really, you know, rose above, rose to a level that was acceptable and meritorious, that we could review. I mean, and that is why we are at the point now.

Senator WICKER. OK. And I may intrude on my time, but I usually don't do that, Madam Chair. There has been an STB ordered mediation. I understand that is going to be extended, is that correct?

Mr. PRIMUS. All the parties asked for the mediation. So before there was objection, but all parties asked for mediation, and so—

Senator WICKER. And I wonder how long that period will be extended?

Mr. PRIMUS. I believe 30 days.

Senator WICKER. OK. And, you know, I am treading a fine line here, and I do not want to get into how you will decide on this issue. That is for the Board to decide. But do you think there is good progress being made? Do you have any inside information about that? Or is that being done completely outside of the hearing and information of the members of the Board?

Mr. PRIMUS. You know, Ranking Member Wicker, I wish I could give you the answer I would like to give you, but I hear the bell ringing from my general counsel a few blocks away that, you know, I am not allowed to comment on the progression.

Senator WICKER. OK.

Mr. PRIMUS. I guess, how—where we are going. I mean, and again, I don't mean to interrupt. I know how important it is to you because important to the members of the Board to see this issue through. And so what I can assure you is that we are working as

hard as we can and as expeditiously as we can to come to a conclusion.

Senator WICKER. OK. Now, let me shift it to Chairman Coscia. There are, sort of, two schools of thought that might occur to advocates for Gulf Coast rail and for the larger issue. One would be to see the litigation out, which would involve not coming to an agreement, but trying to get everything you possibly can under the law as you understand it.

That would then undoubtedly be appealed, go to court. And in the meantime, we would still be without rail service, Alabama, Mississippi, and Louisiana. The other would be to make sure there is a reasonable settlement that gets the public what they need but leaving longer term precedent issues to be fought over at another time, at another day, on another round.

So would you comment about that? And I think you realize probably from my question which solution I would prefer.

Mr. COSCIA. Yes. I would say this. Amtrak's mission in many ways is actually very simple. We are in the mobility business. We are supposed to get people from one point to another point. We are supposed to do it safely, efficiently, and hopefully affordably. And Amtrak can do something incredible for the Nation by providing that service to as many people as possible.

So in response to your question, you may find this surprising, but I actually agree with you that the latter approach should be the right approach. And that if there is a solution that can be offered in the near term that would allow us to provide that service and restore the Gulf Coast service sooner, we should avail ourselves to that.

Having said that, we also need to protect the broader mission that we have to the Nation to try to utilize the underutilized freight rail assets that are out there that could give us the opportunity to serve a much broader cross-section of the Nation. It is interesting to point out, and you may have heard this before, but the United States actually has a much greater amount of rail infrastructure measured by miles than even countries like China in most European countries.

And people would think the opposite, we just don't use it fully enough. And so in many ways, the Gulf Coast issue is very much about utilizing an asset that we already own, we can put into service, and it can improve the quality of lives of people today.

So, yes, if there is an opportunity to bring the dispute over Gulf Coast service restoration to a head, I would certainly be very much in favor of doing it, even if it left additional issues to be resolved a little later.

Senator WICKER. If my friend and Chair would indulge me, it is a fact, is it not, that this has been the statutory model for 51 years, and that the Congress in its wisdom decided well before the Chair and I got here to relieve the freights from their obligation to carry passenger rail and instead to have this balance where Amtrak was entitled to use the freight rail lines under the jurisdiction of the STB and the statutory law?

Mr. COSCIA. Well, Ranking Member, all I can tell you is that I have been a lawyer for almost 40 years, and I have been blessed

during that career to work on some fairly interesting and novel topics.

I don't, for the life of me understand how our preference rights have been so easily not observed by some of the host freight railroads. So I think that this issue of restoring Gulf Coast is really about adherence to a preference right that exists, in my mind, clearly in the law.

And that was intended, as you accurately point out, to relieve the freight railroads of a costly obligation to carry passengers, because that mobility service was something that the Federal Government felt was important to maintain, and so therefore it took on that responsibility itself. But made it a condition of relieving them of that financial responsibility to provide that preference.

Senator WICKER. Is the mediation going well?

Mr. COSCIA. I haven't been a direct party to the mediation, so, but I would tell you that we are certainly doing everything in our power to try to move people by train and not argue over the law, because that is far more important to us.

Senator WICKER. Thank you very much.

The CHAIR. Thank you. I think, since I don't see the other members on the screen, Senator Peters or Senator Tester, it is Senator Blumenthal, next.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thanks, Madam Chair. Thank you all for your service. Amtrak is very close to our hearts and our lives. I am a regular customer, mostly a very satisfied customer.

And I want to thank Amtrak, particularly Chair Coscia, for your transparency and your willingness to provide information outside the context of these kinds of formal hearings. You have been very responsive, and I hope the new members of the Board will follow that example as well. And I want to take the opportunity on this Labor Day week to thank all of the existing employees of Amtrak.

I rely on them literally every week that I return to my home State of Connecticut when I am able to take Amtrak, and particularly during this time of the pandemic. They have reported for duty, they have been on the job despite the threats to their own health and safety, and I am very gratified that you are working with unions and others in seeking to increase the numbers.

A daunting challenge given the numbers, several thousand, I think you said, when other employers all around the Northeast and the country are looking for workers and finding them in short supply, particularly with the skills that you are seeking.

I want to focus on the investment, capital investments that are necessary, because as you pointed out, Amtrak emerged from a very dark period when those investment needs were ignored, and we should never allow our rails to deteriorate in the way that they did. I was a strong advocate of the \$30 billion that is in the Infrastructure Investment and Jobs Act.

Last month, the Federal Railroad Administration announced more than \$85 million in funding for Connecticut, including \$65.2 million to replace the Connecticut River Bridge between Old Say Brook and Old Lyme.

Another \$20 million to replace power substations in Greenwich and New Haven. And we have talked over the years about the Walk Bridge. Are there timetables for completing these projects? I know you may not have those timetables with you right now, but if you have them, I would appreciate your providing them.

Mr. COSCIA. Sure. Sure. Senator, we can follow up by giving you a very specific schedule for the design and construction component of the projects you mentioned, in particular the Connecticut River Bridge. But it is our expectation to complete those projects in the 2025 range.

So we are very far along in the work that we think is necessary to advance those projects. We have been working for quite a long period of time in terms of assessing and properly managing the infrastructure needs of Amtrak. What we have lacked are the resources to make those investments, the bipartisan infrastructure bill, first time in a generation, gives us those resources.

So projects like these that have been screaming for attention, we are very much sort of in a position to move very quickly on them. And so that is in our near-term package of projects that we believe by 2025 we would be able to undertake.

Senator BLUMENTHAL. And if you could provide those more precise projections, that would be welcomed.

Mr. COSCIA. I will, I will.

Senator BLUMENTHAL. You and I talked briefly earlier this week about ridership on Amtrak. And very encouragingly, you indicated that you are nearing the pre-pandemic levels. I think you may have said 85 percent or something in that range and the trajectory is going in the right direction, but that the demographics of the ridership have changed somewhat so that there is less business travel, more of other kinds of travel. Maybe you could expand on that for the record here.

Mr. COSCIA. Sure, Senator. You know, as part of our effort to try to be as responsive as possible to our passengers, we have become a very data driven company so we rely very heavily on customer satisfaction surveys and the most sort of advanced levels of sort of understanding who our customers are, because we found it is the best way for us to give them the kind of service that they are looking for and make the adjustments that are necessary, because we are very much a work in progress at becoming the kind of railroad we want to be.

As part of that, we are able to, sort of, tell who are buying who is buying Amtrak tickets and how our passenger flow is going. And so the headlines that you sort of briefly alluded to include the fact that we are actually coming back from the pandemic much faster than we had anticipated.

And, you know, our most recent numbers show that we have reached the 80 percent mark of pre-pandemic level in ridership and closing in on 85 percent. In advance booking, it is even more encouraging about what that involves. But an interesting component to that is that much of that increase in ridership from the pandemic lows has come from new riders, people who are discovering intercity passenger rail for the first time.

The demographic is different in terms of age and composition in different parts of the country. People have decided that they are

very interested in intercity passenger rail as a form of mobility, which gives us a great deal of optimism for this mode into the future, because those numbers have come back, even though business travel has not really returned to anything near what pre-pandemic levels were.

So we are excited about, you know, what the national rail system will look like and what it is capable of as the country further sort of recovers from its pandemic impact.

Senator BLUMENTHAL. I think that is a very encouraging vision for the future, and I would be very interested in the schedule for the clean diesel and high speed Acela train sets that you have mentioned briefly in your testimony. You foresee them coming online quickly?

Mr. COSCIA. I do. The clean diesel trains are already starting to be delivered. Our expectation is that, you know, hopefully, Senator, by this time next year, you know, we are planning to, sort of, have you experience riding a new Acela train on the Northeast Corridor.

Obviously, we were impacted by the pandemic in the Acela replacement program because of shutdowns in factories and other things that have impacted it, but we are sort of now back on a very solid schedule and feel very optimistic about it.

And as we mentioned, we are far along in other rail procurements that will impact and provide better service on Northeast Regional as well as our State supported services. So \$10 billion in re-fleeting Amtrak is long overdue. But, you know, I am positive that every single rider will feel the difference of new rolling stock that, you know, has been designed to meet the needs of what travelers look for today.

Senator BLUMENTHAL. Thank you. Thanks very much. Thank you, Chairman.

The CHAIR. Thank you, Senator Fischer.

**STATEMENT OF HON. DEB FISCHER,  
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Madam Chair. Thank you to all of our panelists today for being here. Mr. Primus, when considering regulatory proposals, do you believe the STB should prioritize policies that allow market participants to freely compete without STB action being taken?

Mr. PRIMUS. Short answer is yes, I believe they should. I believe that STB intervention should only be when it doesn't operate the way that it should. Currently, right now, considering all of the service interruptions, the network is not operating in a market driven way. You see low service levels and you are seeing higher rates for those—for that service.

There are many businesses, including those in your State and we are hearing from your own—your constituents, who are very concerned that the market isn't the way it should be, and that is why, you know, we have been considering a number of potential remedies to help the market come back into balance.

Senator FISCHER. You know, we are seeing that. And I know that you have stated publicly that you prefer that railroads work things out with their customers rather than expecting you to solve all their problems. When you are looking at ways to solve those prob-

lems, to look at dispute resolutions, what steps do you think the STB can take to encourage the shippers and their customers to be able to come together to do that?

Mr. PRIMUS. Senator, it is sort of like my kids behind me. I always—

Senator FISCHER. Who are darling, by the way.

[Laughter.]

Mr. PRIMUS. Thank you. But I always tell them, you know, when they get into arguments or disputes, I say, look, guys, it is up to you to settle those disputes because you don't want mom and dad to come and settle it for you. Because if you do, we will settle it in a fair and balanced way, but it is probably not the way that you intended. And I actually take that and bring that to the Board as well.

As I said, you know, I want, you know, the railroads to sit down and talk to their customers, to your constituents, and to figure out ways to better operate and perform and provide that service that that they deserve. I think the STB is here as honestly that back-stop.

That if that fails, it is our obligation and it is what Congress intended for the STB to do, to step in and resolve those issues and those disputes and those disruptions in a way that, again, that brings fairness and balance back to the network. And I think that is what we do.

Senator FISCHER. You know, Chairman Oberman, he recently stated, we don't have, fortunately, on the Board the kind of polarization, tribalism that you see too much of in Washington. And he said he is determined to keep that from happening.

Do you agree with him that it is important to keep that polarization in the background as much as possible on your Board? And if so, have you seen any cases where it kind of it has reared its head, and how do you handle that?

Mr. PRIMUS. If you had opportunity to read my written statement, I did mention that in particular that one of the reasons why I want to return to the Board is because it is an atmosphere where we do strive to work together to find commonality on the issues. And at times, if we do disagree, we are never, ever disagreeable.

And there is a mutual respect on the Board right now. You know, Patrick, being in attendance with me this morning is only proof of his support. I have spoken to every Board member this morning and who is also—have wished me luck. And I think, you know, having that collegiality, having that willingness to rise above differences to find the goals—sure, there will be times when we don't agree.

But I think in the most part, if you have looked at our decisions this year, I don't think we have had any decision where or where one member has disagreed. They have been unanimous decisions. I think that is proof that we do try to work together.

Senator FISCHER. OK, thank you. Mayor Koos—Koos, is that correct? We have an Amtrak M-track route through Nebraska. It doesn't get much attention, but it is there, and it is used and the people who use it enjoy that service.

State supported routes provide substantial revenue source for Amtrak's overall budget. And many of those State routes are key

to future growth for Amtrak. As a Board member, are you committed to working with State supported rail partners? And if confirmed, will you work to improve transparency for Amtrak's cost allocations that are charged to the states?

Mr. KOOS. I would answer in the affirmative on both of those. Very definitely believe in the long distance service, but the State supported service is really the lifeblood of what is happening in Illinois, and it has been a very, very important mode of transportation for a lot of people. So those two entities working in tandem really flesh out the national system and I am very supportive of both.

Senator FISCHER. Thank you very much. Thank you, Madam Chair.

The CHAIR. Yes. Senator Tester.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Madam Chair. I want to say it is good to be back in the Committee room. I also want to thank you and Senator Wicker for getting CHIPS in Science Act across the finish line. It was a huge undertaking and I just want to express my appreciation for both of you working together because it was an important piece of legislation that I think is a winner for the American people.

Let me ask you a question, all of you and you can just—[technical problems]—how many you have been to Montana? Raise your hand. Good deal, Wicker. So I appreciate that. And you are all invited to come. Let the record reflect that none of them have unfortunately seen the great treasure state.

Congress has made some important investments in passenger train through the bipartisan infrastructure bill that we passed to provide a reliable service across our Nation. It is a priority. We have even made changes to the Amtrak Board's makeup to make sure that it reflects Amtrak's network's diversity.

So while I would say it is good to be back here in the Committee, I must say that I am more than just a little bit frustrated by the lack of Amtrak Board nominees before us that doesn't include any of the Western States and the fact that—Mr. Primus, you are excluded. But the fact that none of you have been to a State of Montana to understand the size and the breadth and depth and the length and the distance is a problem.

I will also tell you that my neighbor is about to embark on a train ride from Montana to Washington, D.C. He will get here this Friday or this Saturday, because he wants to experience it and he wants it to be a good experience. And I will tell you that as a Montanan, I have been on the route from Washington, D.C. to New York many times, and it is a great service.

But I would hope, especially since none of the folks sitting in front of me—and I will give Illinois a little bit of kudos. Thank you for being at least from part of the center of the country. Before me have little understanding of the size of a state like Montana, and the fact that the Empire Builder that serves Montana is so critically important to our state and is under attack almost every single day by somebody who doesn't want that service to be there.

Puts you guys in a very difficult, and I use that ladies too, in a very difficult position, because you have to understand that it takes about 14 hours to drive the length of Montana. So that is probably about what it takes for a train to go across the length of Montana. And we don't have hundreds of people living in every square mile of our state.

In fact, it is probably less than a person in every square mile of our state. And so I don't plan on stopping any of you from being on this Board, but you guys have a lot of work cut out for you to understand long distance traffic. And I say that not knowing where you have totally come from, I have read your bios. But the bottom line is, if we lose Amtrak in Montana, it is an incredible hit.

And in fact, there is a group working right now to make sure that we reestablish the old Southern route called the Hiawatha Route in Montana, which would be incredibly important. And I know there are some in Congress who think the trains have gone the way of the pony express. But the truth is, if we can make our train travel as convenient as it is in other countries, I think it can be a tremendous economic developer in our country.

I only put out the information that I put out because even though none of us want to admit to any faults, I can't tell you what the challenges are in inner city Detroit or Miami or Houston, Texas. But I can tell you what the challenges are on a farm in Montana or a cattle ranch in Montana.

And so it is going to be up to you guys to educate yourselves on the challenges of long distance rail throughout this country, if we are going to keep it. And that is not to say that the Northeast Corridor isn't important. The Northeast Corridor is damn important, but it is only part of the system.

So you guys have a lot of work to do because as I said earlier, there are people every single day that want to shut down the rail service in this country. And if we are going to have good rail service, especially in the West where distances are long between houses, we have got to have folks that are willing to stand up and fight from a position of knowledge. With that, I yield back.

The CHAIR. Thank you, Senator Tester. I so appreciate your comments and remarks, and definitely hope that our witnesses and nominees here today get that message. We get the Northeast Corridor, and we are for it. But we have to have a bigger, more aggressive strategy, whether it is the South or the West or—have got to implement the services. Senator Moran.

**STATEMENT OF HON. JERRY MORAN,  
U.S. SENATOR FROM KANSAS**

Senator MORAN. Chairman, thank you. I will join you and Chairman Tester, I guess Chairman, in my world, Chairman Tester in his comments about these nominees and the importance of long distance passenger service to the country.

We worked together in the surface transportation reauthorization bipartisan infrastructure package. We worked together to make certain that the composition of the Board was increased in diversity in regard to long distance and city traffic, urban and suburban.

We made certain that the legislation now emphasizes the role of providing service to rural communities, recognizing the importance

of long distance routes, encourage Amtrak to maximize the benefits of Federal investment as opposed to minimizing the costs.

We have worked hard in this committee to make certain that Amtrak is a national system, and it is my intention, again, to try to make certain that the nominees before us today share that view.

And I am disappointed a bit in the response that I received or that several of us received from you in regard to your commitment to long distance passenger service. I was fortunate enough to walk in the room when Mr. Koos was giving his opening statement and he said what I wanted to hear.

We asked each of you if you would confirm your support for long distance passenger service. You did so jointly. We did this in the last set of nominees, and it was done individually, which appealed to me more than a prepared statement that each of you signed. I would demonstrate what I was looking for by Mr. Koos's letter in the last time this request was made.

Senator Moran, I am writing to reaffirm my commitment to service on all Amtrak long distance routes. He goes on to say, long distance routes are critical for maintaining connectivity with our country.

These routes are also an economic anchor for hundreds of communities. If confirmed to the Amtrak Board, I will remain committed to restoring once a day service for long distance routes affected by COVID-19 pandemic.

We cannot maintain a fully functioning national network that only operates 3 days a week. A reduction of service will create uncertainty for both Amtrak employees and customers. I look forward to working together with you and your office to support long distance routes in the future.

The joint letter that you all signed, including Mr. Koos, says, basically, we share your commitment to long distance train service. We will continue to ensure, and Amtrak follows all applicable laws pertaining to long distance trains.

With continued annual funding from Congress, we look forward to an improved long distance service of which we all can be proud. I see a significant difference in what Mr. Koos was willing to say and what you all were willing to say jointly. One is said much more emphatically and much more direct, much more with specificity.

And so I would again ask you to explain to me individually what is your commitment to long distance service, including the Southwest Chief, which runs through many of our states? Mr. Capozzi.

Mr. CAPOZZI. Sure. Thank you for the question, and I understand the importance of long distance service, and I value all the train service that Amtrak provides, including long distance service, the State supporting services, and the Northeast Corridor. And I share your commitment to long distance train service that is accessible to everybody.

Senator MORAN. Thank you.

Mr. COSCIA. Senator, let me begin by saying I wasn't aware of that distinction between Mr. Koos's statement the last time he was at this committee and what we submitted this time. I would not want you to sort of send me a pen across the way, but I would gladly sign on to verbatim the exact same statement. And so I don't need to sort of repeat it to show you the emphasis of it.

But I will also tell you that my experience with Amtrak has proven the absolute sort of importance of everything that you have just said. Amtrak's mission is to preserve that national network. It is a treasure in the Nation's transportation system, and the anchor of that treasury are those long distance lines. They are the connective tissue that Amtrak is building the future of passenger rail from.

When we talk about increased demand for State supported services and other things, they all build off of that. Our experience in working with you and the Southwest Chief has been incredibly important to the company to sort of reaffirm its need to work with all its stakeholders to maintain the national network in its present form and to expand upon it.

And that means to protect the existing long distance lines and to look for ways to expand the ridership and opportunities that those afford us. So we are absolutely, with no hesitation, willing to make that commitment.

Senator MORAN. Mr. Chairman, thank you. Perhaps I was overly skeptical in the position I occupy, but I—words matter to all of us, and I wanted to make sure that there was no parsing, no hesitation, no simply filling out a letter, signing a letter to satisfy my concerns and the concerns of many others on this committee and in Congress, and your statement is very helpful.

Mr. COSCIA. Thank you.

Senator MORAN. Mr. Koos, you do not need to speak further unless you feel compelled.

Mr. KOOS. Well, I would just say I would encourage people—an eye opener for me was to take a map of the national system and take the long distance routes off of that map and see what kind of system you have. It is a quite a bit of an eye opener. Being in a rural central United States community, I totally understand the need for that long distance system.

Senator MORAN. I was awakened to the realization that not everyone shares that view when at one point in time Amtrak's position was that we should replace train passenger service with bus service from a point in Kansas to a point in New Mexico and consider that as part of the National Passenger Rail Service. Mr. Lathem.

Mr. LATHEM. Committed.

Senator MORAN. Thank you. Ms. Weissman.

Ms. WEISSMAN. Well, I want to say that I agree with—[technical problems]—support of it and would also be happy to sign the letter that you referred to. From my professional background, I have seen most of the country and recognize that rail service is not only essential for our national transportation, but it is also an economic opportunity and an economic imperative. So I am in full support of long distance rail.

Senator MORAN. Thank you. The Chairwoman has her finger on the button. I would only follow up and conclude without asking the question, I am very interested in what transpired in the fatal accident that occurred in Missouri on the Southwest Chief. And I would welcome any additional information that you all could provide. Thank you, Chairman.

The CHAIR. Thank you. Thank you. Senator Baldwin.

**STATEMENT OF HON. TAMMY BALDWIN,  
U.S. SENATOR FROM WISCONSIN**

Senator BALDWIN. Thank you, Madam Chair. Mr. Primus, I am happy to see you again today and commend you for your many years of public service. And I am very pleased that you are willing to continue to serve on the Surface Transportation Board.

I want to let you know that I appreciate the attention that you have paid to the letter I co-led with Senator Cramer, outlining our concerns about significant rail disruptions occurring throughout the U.S. freight rail network.

These are continuing to impact farmers, manufacturers, and energy producers throughout Wisconsin and throughout the country. So I want to ask you, what more can the Surface Transportation Board do to improve service for shippers?

Mr. PRIMUS. And thank you very much for the question. It is good to see you as well. Senator, that is a—honestly, that is a very long answer, and I will try to get to as many as I can. As I said before, you know, we would hope that the railroads would have worked with their customers, their shipping community, to address some of these issues.

It is clear, because of some of the service levels we have seen over the last 18 months, that in some instances it is not. We are looking at a laundry list of items before the Board right now, many I can't go into detail over, but some that you are aware of and some that you supported and actually pushed in the Senate, that can help alleviate some of the pressure on the shippers and also, as I said before, bring more fair and balanced approach to the network.

We are hearing it, as you said, across the spectrum. We know that we are entering into harvest right now and peak season for the railroads, and we remain concerned about service levels and whether or not they have the ability to do that. And so we are looking very intently at their performance.

Senator BALDWIN. I am working on legislation to better define the Class I rail carriers' common carrier obligation. A report from the Transportation Research Board found that that principle remains poorly defined. Do you think that better clarity would provide additional opportunities for the STB to provide relief for rail shippers throughout the country?

Mr. PRIMUS. Absolutely. I think a clear and transparent understanding of common carriers and obligations on behalf of the railroads is needed. It is something that the Board internally is considering and has been looking into. And I know, again, it is something that the Senate has as well, and we support that.

Senator BALDWIN. Thank you. Mr. Coscia, like many other Amtrak routes throughout the country, the Hiawatha service between Chicago and Milwaukee continues to have low ridership levels. They are lower than they were in 2019, before the COVID-19 pandemic. Will you commit to working with our state, Wisconsin, to improve ridership to pre-COVID levels as quickly as possible?

Mr. COSCIA. Yes. Yes, Senator, absolutely. We actually have a great deal of faith in what we think that service can do. And it is an example, actually, of where we think we can be effective.

Senator BALDWIN. OK, thank you. Can you also commit to working with the Wisconsin Department of Transportation as they work

to finalize design work for the Twin Cities, Milwaukee, Chicago service that—and start that service as soon as possible?

Mr. COSCIA. Yes, Senator. And again, a high priority to us, very much on our near-term sort of agenda to accomplish.

Senator BALDWIN. Very good. Thank you. I yield back.

The CHAIR. Thank you. I don't know if we have any other members who are joining us. I know we had a couple of people who signed on to ask questions remotely, so I am not sure if anybody is out there. We will give them a minute or two. I did want to ask a follow-up question.

This is a procedural question for the Committee. It is really a good faith effort in working together. But I would like to ask each of you if you will agree to respond to requests from this committee, including appearing and testifying before the Committee in a timely manner?

Mr. COSCIA. Yes. Absolutely.

Mr. PRIMUS. Yes.

Mr. LATHAM. Yes.

Mr. CAPOZZI. Yes.

Ms. WEISSMAN. Yes.

The CHAIR. Mr. Koos nodded, but that is a yes, so, very good. Thank you. Well, that concludes our hearing this morning. I thank everybody for appearing today and for your willingness to serve.

The Senate—Senators on the Committee will have until Monday, September 12, the close of business to submit questions on the record for the Committee, and witnesses will have until Monday, September 19, at the close of business to respond to those questions.

So thank you all very much. That concludes our hearing.

[Whereupon, at 11:25 a.m., the hearing was adjourned.]



## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
DAVID M. CAPOZZI

**Amtrak's Workforce.** Workforce issues threaten Amtrak's ability to restore service to pre-pandemic levels and effectively execute projects using the \$22 billion for Amtrak that was included as part of the Bipartisan Infrastructure Law. The Amtrak Cascades has not been running trains to Vancouver, B.C. since the start of the pandemic despite the Canadian border being open for almost a year. This has left five communities in my Washington state without any rail service.

*Question 1.* As a Board Member it will be your responsibility to set the company's priorities. Will you make addressing Amtrak's workforce issues a top priority if you are confirmed?

Answer. If confirmed, I commit to making Amtrak's workforce a top priority.

*Question 2.* Will you commit to holding Amtrak accountable for developing and implementing a workforce development plan that ensures the company is able to fully restore service to 10 routes nationwide that are not operating at pre-pandemic levels and prepares the company to expand service as encouraged in the bipartisan infrastructure law?

Answer. If confirmed, I commit to holding Amtrak accountable for developing and implementing a workforce development plan as you outline above, consistent with Federal law and state partner participation where applicable.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO  
DAVID M. CAPOZZI

**Accessibility on new intercity trainsets.** Mr. Capozzi, as you know, I fought hard to create the position to which you have been nominated, and I am grateful to my colleagues who helped make it a reality.

It is critical that the 61 million Americans with disabilities are finally heard and have a seat at the table at our Nation's premier passenger rail service. As Amtrak continues to modernize its fleet, it will be vital to have a strong advocate ensuring all aspects of the disability community are taken into account. For example, last year Amtrak entered into a 3.4 billion dollar contract for 83 new intercity trainsets. While these new railcars will provide passengers with disabilities greater access to restrooms and the café car, they will not have 32-inch wide aisles to allow most passengers in wheelchairs access to travel throughout the trains.

*Question.* Earlier this year, only after the disability community expressed continuous concerns, Amtrak and the Federal Railroad Administration entered into an agreement in which Amtrak agreed to take several steps to further improve accessibility. If confirmed, will you agree to maintain the commitments Amtrak has made to the Federal Railroad Administration regarding improvements for passengers with disabilities?

Answer. As I said in my confirmation hearing, if confirmed, my focus will be providing leadership and attention in fulfilling Amtrak's ADA obligations and in meeting the DOJ settlement agreement terms. I will hold Amtrak accountable to its commitments.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
DAVID M. CAPOZZI

**Amtrak Investments in Infrastructure Investment and Jobs Act.** I was proud to lead negotiations that resulted in the bipartisan Infrastructure Investment and Jobs Act (IIJA) becoming law. The IIJA provided \$22 billion in grants for Amtrak over five years, including \$6 billion for the Northeast Corridor and \$16 billion for the National Network. The IIJA also included \$36 billion over five years for

grants for Federal and state partnerships for intercity passenger rail, with stipulations that no more than \$24 billion may be awarded to the Northeast Corridor and at least \$12 billion must go towards projects on the National Network. Amtrak is also eligible to apply for other multimodal grant programs administered by Department of Transportation, including the National Project Assistance Program and Local and Regional Project Assistance Program.

*Question.* What does Amtrak plan to accomplish system-wide with this significant investment in passenger rail infrastructure?

*Answer.* It is my understanding that Amtrak initially plans to use the \$22 billion to rehabilitate or replace old assets including new trainsets, new cars and locomotives, improved maintenance facilities, capital projects defined by the IIJA, ADA compliance, and matching funds for certain Federal grants, among other improvements. I look forward to working with the FRA as they initiate grant programs and funding in the coming years, as well as with our state and commuter partners, to address the needs across the system. If confirmed, I intend to learn as much as possible about these plans for the Amtrak system.

***Amtrak Expansion.*** Phoenix is the largest American city that does not have downtown Amtrak service. Residents in the Phoenix metropolitan area must currently travel nearly an hour south of Phoenix to the nearest Amtrak station in Maricopa to access Amtrak service. I was excited to see that Amtrak released a proposal in July 2021 that would expand Amtrak service in Arizona and create a new route between Tucson and Phoenix. This proposal has the support of a number of local mayors in Maricopa County and southern Arizona.

*Question.* What are your thoughts on expanding Amtrak's system? What procedures will Amtrak use to consider new routes?

*Answer.* If confirmed, I intend to learn as much as possible about the opportunities for expansion of the Amtrak system, as well as the FRA programs that may support such expansion. I would also be very interested to learn more about any potential opportunities in Arizona, including the route between Tucson and Phoenix that you mentioned, and to work with you and your staff.

***Commitment to National Network.*** I joined my colleague, Senator Moran, to request your support for Amtrak's national network, including the Southwest Chief, which serves three communities in northern Arizona. I was disappointed in your response to my and Senator Moran's letter, which did not appear to convey enthusiasm for the benefits of long-distance service.

Daily service on our national routes enables Americans living in communities large and small to access affordable transportation to reach their final destinations. In Arizona, the long-distance service supports tourism, allows visitors to enjoy our national parks, and creates jobs.

*Question.* Will you reaffirm your commitment to maintaining daily service on Amtrak's National Network, including the Southwest Chief, Sunset Limited, and Texas Eagle in Arizona?

*Answer.* Yes, I reaffirm my commitment to long distance service, including daily service on the Southwest Chief. It is my understanding that pre-pandemic, the Sunset Limited/Texas Eagle segment that operates through Arizona only operated three times per week, and I commit to maintaining this level of service, and in fact, learning more about opportunities to increase it.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO  
DAVID M. CAPOZZI

***Northern Nevada Passenger Rail Service.*** Amtrak's California Zephyr line serves Northern Nevada and is a vital link to three communities in the state: Elko, Winnemucca, and Reno. The 84,000 travelers who travel on the line annually depend on the service, including many of our rural veterans and seniors who use Amtrak to access medical care in Reno. The Zephyr line also economically connects our rural communities with the growing Reno-Sparks metro area.

The news has well-covered this summer's air travel challenges, but rail service has not been immune to delays and cancellations either. The California Zephyr line has experienced multiple-hour delays, with some customers arriving up to six hours late, leading to missed connections.

And unlike on the East Coast, customers in the West have limited options along these routes to rebook after being delayed due to no fault of their own. Moreover, delays not only impact the public's time; they also have a significant economic impact on fuel, labor, and lost revenue.

*Question 1.* To each of the nominees to the Amtrak Board, can I get a commitment from you to work to ensure people in Nevada, as well as other rural communities, have access to reliable passenger service? Specifically, how will you address the kinds of delays on long-distance lines we experienced this summer? Let's begin with Mr. Capozzi, then Mr. Coscia, Mr. Koos, Mr. Lathem, and finally Ms. Wiessmann.

Answer. It's my understanding that freight train interference is the most common cause of Amtrak delays. Congress required freights, as the host railroad to much of Amtrak National Network service, to give Amtrak trains preference in dispatching over freight trains. In practice, this is rarely enforced, creating abysmal on-time performance on all Amtrak long-distance lines. Real enforcement is necessary for Amtrak trains to run on time.

*Question 2.* I would also encourage and invite you to come out to Northern Nevada to hear from the residents of Winnemucca, Reno, and Elko first-hand about the importance of a reliable, functioning Zephyr line. Can I get your commitment that the Board will at some point in the next two years host a meeting in Northern Nevada to hear directly from my constituents? Let's begin with Mr. Capozzi and then go down the line again.

Answer. I cannot speak to the Board's official schedule, but if confirmed, I would be happy to visit Northern Nevada and hear from your constituents.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAY BEN LUJÁN TO  
DAVID M. CAPOZZI

***Long Distance Rail & the Southwest Chief.*** I appreciate my colleague Senator Moran's advocacy for long-distance rail, including the Southwest Chief line that New Mexicans rely on to connect to the rest of the country. I also appreciate your commitments to improving and expanding long distance rail if confirmed to this position.

I was proud to support the Infrastructure Investment and Jobs Act, which included \$66 billion in direct funding for passenger and freight rail repairs, safety, upgrades, and service expansion.

This funding will help address years of underinvestment, including in our long-distance rail lines like the Southwest Chief. Over the past few years, equipment shortages and mechanical failures have increasingly led to delays and cancellations on Amtrak routes across the country, and it is long past time to invest in our long-distance rail network to upgrade and improve Amtrak's passenger rail car fleet.

I'd like to hear more about each of your visions for our long-distance rail network as you work to deploy funding from the Infrastructure Investment and Jobs Act.

*Question 1.* What are the greatest issues facing our long-distance rail network right now, and what are the first steps that Amtrak should take to address those concerns?

Answer. If confirmed, I plan to learn much more about these concerns. As I understand it today, the largest issues facing long-distance include the need to replace current aged fleet with new long-distance fleet, hiring additional employees to address workforce needs, station improvements, enhancing the customer experience, and improving on-time performance, especially due to freight train interference. From what I know, Amtrak is already addressing many of these concerns and IIJA provides much needed funding to help with capital investments. It is my understanding that freight train interference remains a problem for passenger trains, and I look forward to working with you and your staff to learn more about this issue.

*Question 2.* If the funding in IIJA is not enough to bring all of the trains up to Amtrak's standard, how would you advise Amtrak to decide which trains and which lines get much-needed upgrades? Will it be based on ridership levels, age and standard of the current equipment, or other factors?

Answer. I don't know how Amtrak would make those decisions, but if confirmed, I hope to learn more about where Amtrak stands in applying IIJA investment to its fleet, stations, and other infrastructure in the National Network.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO  
DAVID M. CAPOZZI

***Amtrak Front Range Rail.*** Board of Director nominees, as you are probably aware, the Bipartisan Infrastructure Law (BIL) authorized funds for the Federal-State Partnership for Intercity Passenger Rail program to expand Amtrak's intercity service routes, including \$12 billion for the National Network. This funding may be used to improve an existing corridor or build a brand-new passenger rail route.

Amtrak's California Zephyr is an East-West route which passes through Colorado and connects our state to the West Coast and the Midwest. However, Colorado's Front Range currently lacks a North-South service route connecting Colorado's cities of Pueblo, Colorado Springs, and Denver to Cheyenne, Wyoming. The newly proposed Front Range Passenger Rail would provide additional economic opportunities and expand transit options for many communities along the proposed route.

*Question.* Mr. Coscia, Mr. Capozzi, Mr. Koos, Ms. Wiessmann, and Mr. Lathem, if confirmed to the Board of Amtrak, how would you help ensure Amtrak's National Network routes meet the needs of Mountain West communities?

*Answer.* From what I know, Amtrak has proposed a number of new routes and frequencies with its Amtrak Connects U.S. ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)) vision. Congress passed in the IIJA a new FRA Corridor ID program to identify new opportunities for corridor routes. States and other eligible entities should express their interest to FRA and work within new Federal programs to advance these route opportunities. I have heard that the Front Range is an exciting opportunity and I hope to learn more about it and work with you and your staff on issues important to Coloradans.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
DAVID M. CAPOZZI

*Question 1.* The Amtrak Inspector General has warned that Amtrak lacks the management capacity for capital projects necessary to implement the historic level of funding from the bipartisan infrastructure law. The Gateway Development Commission recently delayed the projected completion of the Hudson Tunnel project by another three years, with the expected cost rising to over \$14 billion as a result of market volatility and inflation. If confirmed, how will you engage with Amtrak executives and other stakeholders to ensure efficient project delivery and use of funding?

*Answer.* Congress passed historic legislation in the IIJA, a long overdue investment in passenger rail. With that new funding comes a great responsibility. The Board must work with management to ensure we deliver capital projects in an efficient and effective manner and that the company be a good steward of taxpayer investment. It is my understanding that Amtrak recently established a new capital delivery team to help implement the IIJA, and if confirmed, I look forward to learning more about how the company plans to deliver these important projects for the Nation.

*Question 2.* Amtrak executive bonuses have been in the news recently. While incentives may be necessary to retain talented managers, they must also be measured and responsible given the substantial taxpayer subsidies Amtrak receives. Importantly, incentives must also be based on metrics that genuinely reflect the state of all Amtrak's service lines—without overlooking the long-distance backbone of the network. Will you commit to reviewing the metrics used for incentive payments and scrutinizing these bonuses for appropriateness, if confirmed?

*Answer.* Yes, if confirmed, I would be very interested in how Amtrak structures its pay for all management and agreement employees. Recruiting talent, being competitive in the transportation industry, and retaining talent in a company requires good incentives and investment in its workforce. I look forward to learning how Amtrak addresses these challenges.

*Question 3.* Will you commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile as expeditiously as possible, if confirmed?

*Answer.* I know how important this issue is to you and to your constituents. If confirmed, I look forward to working with you and your staff and learning more about the specifics about the Gulf Coast passenger rail service between New Orleans and Mobile. From what I understand, it does seem like a worthwhile endeavor and the people of the Gulf Coast have been very patient and deserve this critical service, so I am very supportive of the concept and just need to learn more about the specifics.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
DAVID M. CAPOZZI

*Question 1.* If confirmed, what will your priorities be for Amtrak?

*Answer.* As I indicated in my testimony at the confirmation hearing, if confirmed, my focus will be providing leadership and attention in fulfilling Amtrak's ADA obligations and in meeting the DOJ settlement agreement terms. However, as an Am-

trak Board member I will also prioritize providing a safe transportation option for its customers and employees. Beyond that, I look forward to learning more about the corporate structure, commercial business and operations, and other issues involving Amtrak. It is also important to note that as a Board member I would have an important fiduciary responsibility to the company, its growth and well-being, and to ensure Amtrak is a good steward of taxpayer investment.

*Question 2.* Amtrak was created as a “for-profit” corporation, but it’s no secret that Amtrak (even before the COVID–19 pandemic) has struggled to bring in enough revenue to meet its operating expenses. Most recently, Amtrak’s FY 2022 Statement of Operating Revenue and Expenditures noted a planned deficit of around \$1.03 billion.

- In your view, should it be the goal of Amtrak to be self-sustaining without the need for government subsidies? If not, why not?
- Should Amtrak continue unprofitable routes or services that are unsustainable or should Congress be responsible for funding unprofitable routes or services? If so, why?
- If confirmed, what solutions or proposals (outside of pursuing government funding) will you seek to close this deficit and restore fiscal responsibility?

Answer. I believe passenger rail service is a necessary transportation option in this country, connecting many people in rural and suburban areas to the rest of the nation, and helping to support local and regional economies and businesses. It is my understanding that once public investment in capital costs is factored in, no railroad in the world is truly profitable. In addition, nearly all modes of transportation receive some form of public investment, including highways, transit, and aviation. If confirmed, I would help to ensure that the company is a good steward of taxpayer investment and that we run the business consistent with our mission and goals given to us by Congress.

*Question 3.* 49 USC 24305 gives Amtrak the discretionary authority to provide “food and beverage service on its trains.” Recently, in Section 22208 of the IIJA Congress struck a revenue neutral requirement for the provision of such services.

- Should Amtrak provide food and beverage service on its trains even if those services run a deficit? If so, why?
- Should the American taxpayer be on the hook for subsidizing any unprofitable food and beverage service on Amtrak’s trains?

Answer. If confirmed, I look forward to learning about this issue. I understand it is likely complex and involves many factors for consideration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
ANTHONY R. COSCIA

***Amtrak’s Workforce.*** Workforce issues threaten Amtrak’s ability to restore service to pre-pandemic levels and effectively execute projects using the \$22 billion for Amtrak that was included as part of the Bipartisan Infrastructure Law. The Amtrak Cascades has not been running trains to Vancouver, B.C. since the start of the pandemic despite the Canadian border being open for almost a year. This has left five communities in my Washington state without any rail service.

*Question 1.* As a Board Member it will be your responsibility to set the company’s priorities. Will you make addressing Amtrak’s workforce issues a top priority if you are confirmed?

Answer. If confirmed, I commit to making Amtrak’s workforce a top priority. Upon receiving the necessary Federal funding to restore service suspended due to the pandemic, the company has undertaken its largest recruiting, hiring, and training campaign in decades and, despite the unusually tight labor market, has hired over 3,200 new employees across our 46-state network. Rigorous training as well as route-and equipment-specific qualification requirements mean that even after we hire new employees, it takes many months to fill needed roles in the field. By October 3, we will restore 91 percent of our National Network frequencies, including a roundtrip between Seattle and Vancouver, B.C. by September 26th. In addition, along with our state partners, we are working vigorously across the network to restore the remaining 9 percent of services, as soon as possible. I recognize the critical importance of this issue and its impact on the system.

*Question 2.* Will you commit to holding Amtrak accountable for developing and implementing a workforce development plan that ensures the company is able to

fully restore service to 10 routes nationwide that are not operating at pre-pandemic levels and prepares the company to expand service as encouraged in the bipartisan infrastructure law?

Answer. If confirmed, yes, I will absolutely continue to commit to holding Amtrak accountable for developing and implementing a workforce development plan as you outline above, consistent with Federal law and state partner participation where applicable. The company already started this important work and I will continue to ensure it progresses according to plan.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
ANTHONY R. COSCIA

***Empire Builder, Rural Communities, and Economic Impact.*** The Empire Builder—one of Amtrak’s longest rail lines that goes from Chicago to the west coast—provides a vital link for many rural towns in Minnesota helping students get to college, workers to job centers and tourists to travel destinations. The rail line contributes \$327 million to the economies of the states in which it operates, including Minnesota.

*Question 1.* If confirmed, will you commit to working to improve passenger rail on long-distance routes that connect rural areas to urban centers?

Answer. Yes, if confirmed, I commit to improving our long-distance network. This is something we strive for every day at Amtrak.

*Question 2.* Can you speak to the economic importance of routes like the Northern Lights Express (NLX) and the Twin Cities-Milwaukee-Chicago Intercity Passenger Rail (TCMC) for rural communities?

Answer. The Minnesota and Wisconsin Departments of Transportation jointly envision an additional daily frequency between the Twin Cities of Minneapolis-St. Paul, Milwaukee, and Chicago, Illinois. Additional frequencies are described in the Wisconsin State Rail Plan, including extending three Chicago-Milwaukee Hiawatha round trips to Minneapolis-St. Paul. These trips could be split between two routes, one via La Crosse, WI, the other via Eau Claire, WI. Amtrak’s Empire Builder provides a fourth daily trip via the existing La Crosse route. This new corridor would provide eastern Minnesota and central Wisconsin residents with greatly increased mobility options among the region’s largest cities, creating economic opportunity and greater access to core services such as medical care.

The Minnesota Department of Transportation proposes the vision for this service to include four round trips between Duluth-Superior-Minneapolis. This new corridor would provide residents of the Twin Ports of Duluth/Superior with increased mobility options to and from the state’s largest metropolitan area.

Amtrak supports the further planning and development of both of these visions and included them in the Amtrak Connects U.S. plan, our proposal for expanded service put forward here: [www.amtrakconnectsus.com](http://www.amtrakconnectsus.com). We look forward to working with the state DOTs, host railroads, the Federal Railroad Administration, and other stakeholders to help to advance their rail priorities.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
ANTHONY R. COSCIA

***Amtrak Investments in Infrastructure Investment and Jobs Act.*** I was proud to lead negotiations that resulted in the bipartisan Infrastructure Investment and Jobs Act (IIJA) becoming law. The IIJA provided \$22 billion in grants for Amtrak over five years, including \$6 billion for the Northeast Corridor and \$16 billion for the National Network. The IIJA also included \$36 billion over five years for grants for Federal and state partnerships for intercity passenger rail, with stipulations that no more than \$24 billion may be awarded to the Northeast Corridor and at least \$12 billion must go towards projects on the National Network. Amtrak is also eligible to apply for other multimodal grant programs administered by Department of Transportation, including the National Project Assistance Program and Local and Regional Project Assistance Program.

*Question.* What does Amtrak plan to accomplish system-wide with this significant investment in passenger rail infrastructure?

Answer. Amtrak greatly appreciates the unprecedented levels of investment in Amtrak and intercity passenger rail that you and your colleagues enacted with the support of the Biden Administration. As you know, the funding provided directly to Amtrak is specifically targeted to address the state-of-good-repair backlog across Amtrak’s system. Therefore, we initially plan to use the \$22 billion to rehabilitate

or replace old assets, including purchasing new intercity trainsets and long-distance cars and locomotives, improving maintenance facilities, undertaking critical capital projects defined by the IIJA, achieving full ADA compliance at our stations, providing matching funds for certain Federal grants, and modernizing core technology systems. We look forward to working with the FRA as they initiate grant programs and funding in the coming years, as well as with our state and commuter partners, to address the needs across the system.

**Amtrak Expansion.** Phoenix is the largest American city that does not have downtown Amtrak service. Residents in the Phoenix metropolitan area must currently travel nearly an hour south of Phoenix to the nearest Amtrak station in Maricopa to access Amtrak service. I was excited to see that Amtrak released a proposal in July 2021 that would expand Amtrak service in Arizona and create a new route between Tucson and Phoenix. This proposal has the support of a number of local mayors in Maricopa County and southern Arizona.

*Question.* What are your thoughts on expanding Amtrak's system? What procedures will Amtrak use to consider new routes?

Answer. I fully support the expansion of the Amtrak system. We proposed a number of new ideas for new and expanded service across the network, including in Arizona, in our Amtrak Connects U.S. vision ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)). In the IIJA, Congress set forth a process, managed by FRA, which sets up a new Federal program for developing new and enhanced corridors, the Corridor ID Program. We look forward to working with FRA as they identify new corridors and evaluate proposals from States, Amtrak, and other eligible applicants for new or expanded service.

**Commitment to National Network.** I joined my colleague, Senator Moran, to request your support for Amtrak's national network, including the Southwest Chief, which serves three communities in northern Arizona. I was disappointed in your response to my and Senator Moran's letter, which did not appear to convey enthusiasm for the benefits of long-distance service.

Daily service on our national routes enables Americans living in communities large and small to access affordable transportation to reach their final destinations. In Arizona, the long-distance service supports tourism, allows visitors to enjoy our national parks, and creates jobs.

*Question.* Will you reaffirm your commitment to maintaining daily service on Amtrak's National Network, including the Southwest Chief, Sunset Limited, and Texas Eagle in Arizona?

Answer. Yes, I reaffirm my commitment to long-distance service, including daily service on the Southwest Chief. Importantly, daily service is a reality made possible thanks to Congress' policy and funding support in every appropriations cycle. We greatly appreciate that effort. Regarding expanding tri-weekly service to daily service on existing long-distance routes such as the Sunset Limited and Texas Eagle, the IIJA requires the Federal Railroad Administration (FRA) to conduct a study to evaluate such opportunities. Amtrak will consult with and support the FRA on this important work. Prior to the completion of this work and any efforts to carry out any of the study's recommendations, I commit to maintaining the current level of service for these important routes and look forward to learning more about potential opportunities to expand long-distance service frequencies in Arizona and across the country once the study is complete.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO  
ANTHONY R. COSCIA

**Northern Nevada Passenger Rail Service.** Amtrak's California Zephyr line serves Northern Nevada and is a vital link to three communities in the state: Elko, Winnemucca, and Reno. The 84,000 travelers who travel on the line annually depend on the service, including many of our rural veterans and seniors who use Amtrak to access medical care in Reno. The Zephyr line also economically connects our rural communities with the growing Reno-Sparks metro area.

The news has well-covered this summer's air travel challenges, but rail service has not been immune to delays and cancellations either. The California Zephyr line has experienced multiple-hour delays, with some customers arriving up to six hours late, leading to missed connections.

And unlike on the East Coast, customers in the West have limited options along these routes to rebook after being delayed due to no fault of their own. Moreover, delays not only impact the public's time; they also have a significant economic impact on fuel, labor, and lost revenue.

*Question 1.* To each of the nominees to the Amtrak Board, can I get a commitment from you to work to ensure people in Nevada, as well as other rural communities, have access to reliable passenger service? Specifically, how will you address the kinds of delays on long-distance lines we experienced this summer? Let's begin with Mr. Capozzi, then Mr. Coscia, Mr. Koos, Mr. Lathem, and finally Ms. Wiessmann.

Answer. I support our long-distance service in Nevada and resolving the issue of delays is critical to the future of this service. Currently, not a single long-distance route is meeting the customer on-time performance standards set by the FRA for these trains. Freight train interference is the most common cause of Amtrak delays. Congress required the freights, as the host railroad to much of Amtrak National Network services, to give Amtrak trains preference in dispatching over freight trains. In practice, this is unenforced by the Department of Justice, the agency with enforcement authority, creating abysmal on-time performance on all Amtrak long-distance lines. Real enforcement is necessary for Amtrak trains to run on time and Amtrak is preparing to seek investigations into poor performance, as permitted by law. Additionally, the company continues to seek authority to pursue preference violations in court directly through changes in law. Finally, Amtrak requested cooperation from our hosts in identifying possible investment opportunities where legitimate capacity or infrastructure condition issues inhibit Amtrak performance. We are hopeful that such win-win partnerships can be developed to take advantage of the historic funding included in the IIJA for passenger rail.

*Question 2.* I would also encourage and invite you to come out to Northern Nevada to hear from the residents of Winnemucca, Reno, and Elko first-hand about the importance of a reliable, functioning Zephyr line. Can I get your commitment that the Board will at some point in the next two years host a meeting in Northern Nevada to hear directly from my constituents? Let's begin with Mr. Capozzi and then go down the line again.

Answer. I would be happy to visit Northern Nevada and hear from your constituents.

***Railroad Labor Shortage.*** As a result of the pandemic, Amtrak has been struggling to retain workers, making it difficult to recover and expand their services. In June, Amtrak received an \$8 million grant from the Federal Railroad Association for a worker training program to improve their recruitment and retention. This funding will be used to launch a mechanical training program that will run over the next 3 years in major hub cities like New York, Los Angeles, and Chicago.

*Question 1.* To Mr. Coscia and Ms. Wiessmann, can you talk about how the board plans to use this funding to attract and retain new hires?

Answer. Amtrak is already advancing a number of initiatives to attract new hires, including an employee referral program, sign-on bonuses, and relocation offerings, as well as a robust recruitment marketing strategy, military recruitment and engagement, school partnerships, dozens of hiring events across the country, internships, and retention programs. Regarding the Amtrak Mechanical Apprenticeship Program, we were recently awarded \$8 million through the Federal Railroad Administration's Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program to support this effort. We anticipate the apprenticeship program will grow to include multiple crafts paths—including sheet metal workers and electricians.

*Question 2.* And as a company with less than 20 percent of its workforce made up of women, how will Amtrak use this funding to attract and retain more women especially in skilled labor and trades whereas a whole they are woefully underrepresented?

Answer. In addition to the initiatives above, Amtrak importantly focuses on diversity recruitment partnerships. We partner with multiple organizations to increase diversity, including National Society of Black Engineers (NSBE); Society of Women Engineers (SWE); Women in Technology; Association of Latino Professionals for America (ALPFA); Disability Engagement; and Campus Pride Alliance. Specifically, we launched a shop craft apprenticeship program, looking to train our own electricians, machinists, car repair personnel, sheet metal workers and boilermakers.

As part of this initiative, we set a goal to increase women's representation in those skilled craft areas. I am happy to work with your office on this issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAY BEN LUJÁN TO  
ANTHONY R. COSCIA

**Hiring.** I would like to get some information from you on current hiring levels and efforts in New Mexico.

*Question 1.* How many positions are currently filled in New Mexico, including engineers and station agents?

*Question 2.* How many positions are currently open in New Mexico, including engineers and station agents, for Amtrak to be at full staff and to meet its current hiring goals?

*Question 3.* How is Amtrak advertising open positions in New Mexico?

Answer. As of September 15, 2022, Amtrak is currently seeking to fill two positions for customer service representatives in Raton, New Mexico. Currently, there are nine other open positions that are no longer advertised as they have candidates in the offer and background check stages. Those nine positions include four customer service representatives, two passenger conductor trainees, two passenger engineer trainees, one product line agent and three road foremen. Open positions are posted on [careers.amtrak.com](https://careers.amtrak.com). Interested applicants can sort the careers page by state and department. We also post to job boards such as Indeed, LinkedIn, and Zip Recruiter and will consider local hiring events as needed to fill these positions in the coming Fiscal Year.

**Delays.** I've heard from my constituents that there have been significant delays on the Southwest Chief line over the past year. According to Amtrak, only 7.3 percent of customers on the Southwest Chief line arrived at their destination on time in June of this year.

To call this “unreliable service” is a severe understatement. If we want to increase ridership, improve, and expand long-distance rail—a priority I believe we all share—the service **MUST** be reliable.

*Question 1.* What are the primary causes of delays on Amtrak’s long-distance rail, and specifically on the Southwest Chief?

*Question 2.* How often have equipment and mechanical issues been the cause of delays on the Southwest Chief over the past year?

*Question 3.* How often have staffing and crew shortages been the cause of delays on the Southwest Chief over the past year?

*Question 4.* What is Amtrak doing to reduce delays and improve on time performance?

*Question 5.* In June, only 7.3 percent of Southwest Chief customers arrived to their destination on time. What is Amtrak’s goal for on time performance for the Southwest Chief in June of 2023?

Answer. I share your frustration with the on-time performance of our long-distance trains, and the Southwest Chief is no exception. In answer to all your questions in this section, freight train interference is the most common cause of Amtrak delays. Congress required freights, as the host railroad to much of Amtrak National Network service, to give Amtrak trains preference in dispatching over freight trains. In practice, this is rarely enforced, creating abysmal on-time performance on all Amtrak long-distance lines. Real enforcement is necessary for Amtrak trains to run on time.

Amtrak mechanical and equipment failures resulted in only 6 percent of all delays to the Southwest Chief, while crew and system delays also accounted for another 6 percent of all delays. Amtrak is fully engaged in hiring and training more employees to better help with workforce issues—both onboard and in mechanical/yard facilities. The Chicago-area, especially, is stretched thin with mechanical staff. This can lead to delays in turning around the inbound equipment and fixing mechanical issues. Chicago is a major Amtrak hub and where the Southwest Chief originates.

Amtrak is engaged at all levels with BNSF, our primary host railroad for this route, to mitigate delays and improve passenger performance. However, over the most recent 12 months (Sep 21-Aug 22), host-responsible delays were nearly 70 percent of delays. The three largest causes of delay on the Southwest Chief are 1) freight train interference (31 percent of all delays), 2) slow orders (11 percent) and 3) signal delays (10 percent). Currently, the Southwest Chief is not meeting the minimum standard of 80 percent customer on-time performance established by the FRA. The customer on-time performance for the Southwest Chief was 40.4 percent in Q1 2022 and just 15.3 percent in Q2 2022.

I am eager to work with you and your staff to address this existential issue for long-distance service.

**Long-distance Rail & the Southwest Chief.** I appreciate my colleague Senator Moran's advocacy for long-distance rail, including the Southwest Chief line that New Mexicans rely on to connect to the rest of the country. I also appreciate your commitments to improving and expanding long-distance rail if confirmed to this position.

I was proud to support the Infrastructure Investment and Jobs Act, which included \$66 billion in direct funding for passenger and freight rail repairs, safety, upgrades, and service expansion.

This funding will help address years of underinvestment, including in our long-distance rail lines like the Southwest Chief. Over the past few years, equipment shortages and mechanical failures have increasingly led to delays and cancellations on Amtrak routes across the country, and it's long past time to invest in our long-distance rail network to upgrade and improve Amtrak's passenger rail car fleet.

I'd like to hear more about each of your visions for our long-distance rail network as you work to deploy funding from the Infrastructure Investment and Jobs Act.

*Question 1.* What are the greatest issues facing our long-distance rail network right now, and what are the first steps that Amtrak should take to address those concerns?

*Answer.* The largest issues facing long-distance include replacing the current aged fleet with a new long-distance fleet, hiring up to address workforce needs, making station improvements, enhancing the customer experience, and improving on-time performance. Amtrak is already addressing many of these concerns and IIJA provides much needed funding to help with capital investments. However, as I noted in my previous answer, freight train interference remains a significant concern for passenger trains.

*Question 2.* If the funding in IIJA is not enough to bring all of the trains up to Amtrak's standard, how would you advise Amtrak to decide which trains and which lines get much-needed upgrades? Will it be based on ridership levels, age and standard of the current equipment, or other factors?

*Answer.* We anticipate that the IIJA provides Amtrak sufficient funds to address the replacement of much of our aged equipment used for the services we provide today. However, this will, in part, depend on the availability and cost of American-sourced trains to replace the existing long-distance fleet, which will become clearer as we begin the procurement process. Beyond the near term, we will continue to seek annual appropriations and other funding sources for additional capital needs that the IIJA would not support.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO ANTHONY R. COSCIA

**Amtrak Front Range Rail.** Board of Director nominees, as you are probably aware, the Bipartisan Infrastructure Law (BIL) authorized funds for the Federal-State Partnership for Intercity Passenger Rail program to expand Amtrak's intercity service routes, including \$12 billion for the National Network. This funding may be used to improve an existing corridor or build a brand-new passenger rail route.

Amtrak's California Zephyr is an East-West route which passes through Colorado and connects our state to the West Coast and the Midwest. However, Colorado's Front Range currently lacks a North-South service route connecting Colorado's cities of Pueblo, Colorado Springs, and Denver to Cheyenne, Wyoming. The newly proposed Front Range Passenger Rail would provide additional economic opportunities and expand transit options for many communities along the proposed route.

*Question.* Mr. Coscia, Mr. Capozzi, Mr. Koos, Ms. Wiessmann, and Mr. Lathem, if confirmed to the Board of Amtrak, how would you help ensure Amtrak's National Network routes meet the needs of Mountain West communities?

*Answer.* Amtrak proposed a number of new routes and frequencies with its Amtrak Connects U.S. vision ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)). Congress passed in the IIJA a new FRA Corridor ID program to identify new opportunities for corridor routes. States and other eligible entities should submit expressions of interest to FRA via the docket (<https://www.regulations.gov/docket/FRA-2022-0031>) and work within new Federal programs to progress these route opportunities. The Front Range is an exciting opportunity, and I am eager to work with your staff on this potential service and other passenger rail issues important to Coloradans.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
ANTHONY R. COSCIA

*Question 1.* The Amtrak Inspector General has warned that Amtrak lacks the management capacity for capital projects necessary to implement the historic level of funding from the bipartisan infrastructure law. The Gateway Development Commission recently delayed the projected completion of the Hudson Tunnel project by another three years, with the expected cost rising to over \$14 billion as a result of market volatility and inflation. If confirmed again, will you engage with Amtrak executives and other stakeholders to ensure efficient project delivery and use of funding?

Answer. Congress passed historic legislation in IIJA, a long overdue investment in passenger rail. With that new funding comes a great responsibility. The Board is working with management to ensure we deliver capital projects in an efficient and effective manner and that the company be a good steward of taxpayer investment. I have always expected this of everyone at Amtrak during my Chairmanship and will note that we recently established a new capital delivery team to help implement IIJA. If confirmed, I look forward to continuing to deliver these important projects for the Nation and the American taxpayer.

*Question 2.* Please briefly describe your efforts as Amtrak Board Chairman to provide oversight of Amtrak's capital project management.

Answer. On the Amtrak Board, I am a member of the Audit & Finance Committee. The Committee regularly reviews and approves capital projects that management recommends to advance Amtrak's state of good repair as well as infrastructure development and improvements. It retains oversight over the integrity of the company's financial reporting and the company's compliance with financial and accounting requirements; the company's financial policies, strategies, and capital structure; and the company's processes for identifying and managing its enterprise-level exposures.

During my tenure as Chair, Amtrak has made significant investments in business process automation to streamline and standardize capital planning, budgeting, forecasting, fund source management, and reporting. These improvements provide transparency and actionable feedback to the management team on the performance of capital projects. The company also established a roadmap of technology, process, and workforce enhancements to support rapid growth of the capital project portfolio. As a part of the roadmap, Amtrak is implementing an enterprise project and portfolio management system to closely integrate project planning with project delivery and reporting. This system will allow the company to monitor and report on the financial performance of all federally funded projects, including those funded by IIJA, from inception through completion.

In addition to the process improvements and technology investments, the Finance Department established a robust capital portfolio governance structure (including Capital Project Portfolio Review, capital deep dives, and Board change request dashboard). This provides the company's management team and Board of Directors with visibility into capital portfolio performance trends and enables an executive decision-making process to continuously manage the company's capital portfolio in response to changing market conditions.

Following the enactment of the IIJA, the company's Finance Department established additional controls to ensure that all spending of IIJA funds is tracked and reported on timely and with full transparency. Periodic testing of IIJA-funded expenditures by the company's Internal Audit function will be performed. Reports on IIJA spending will be provided to the Audit & Finance Committee at each meeting.

As Chair I also created a new department responsible for delivering large-scale, complex projects as efficiently and effectively as possible, and in compliance with all safety, regulatory, program management, and reporting requirements. This was an important step in preparing the company for effective IIJA implementation as we begin to repair or replace aged assets, such as fleets, stations, and other rail infrastructure.

*Question 3.* Amtrak executive bonuses have been in the news recently. While incentives may be necessary to retain talented managers, they must also be measured and responsible given the substantial taxpayer subsidies Amtrak receives. Importantly, incentives must also be based on metrics that genuinely reflect the state of all Amtrak's service lines—without overlooking the long-distance backbone of the network. Will you commit to reviewing the metrics used for incentive payments and scrutinizing these bonuses for appropriateness, both in your current term of service and if confirmed again?

Answer. Yes, I absolutely commit to reviewing the metrics used for incentive payments and providing appropriate scrutiny in my current position and if confirmed again.

*Question 4.* Please briefly describe your thought process in awarding executive incentive payments during your time as Amtrak Board Chairman, especially after the service reductions and challenges beginning in 2020.

Answer. At Amtrak, we know and understand that our workforce is a key factor to our success and that employee incentives are a valuable tool to recruit and retain the best talent. Congress expects Amtrak to improve service, increase productivity and maximize the use of our resources; Amtrak's incentive program for management employees supports achieving these outcomes.

Without a competitive package, we will not attract the workforce we need to implement the IJJA or to repair and modernize our rail network as Congress intended.

Since 2013, when Amtrak closed its defined benefit pension plan to new employees and made other benefit changes, Amtrak has used incentive plans to recognize performance. Any incentives awarded since 2013 have been offset by the changes to our retirement plans, with estimated savings of over \$450 million.

A December 2021 OIG report on Amtrak staffing challenges recommended developing meaningful solutions to address competitive barriers to attracting executive talent. Amtrak agreed and hired a consultant to review executive compensation and incentives on an annual basis. Nearly 100 percent of the market (based on publicly available data for similar industry, revenue, employee size) offer incentive plans and our plans are competitive with market. The company has not made any incentive payments without first meeting its financial target, and both Amtrak and individual employees must meet corporate and individual performance goals in order to earn any incentives.

When the pandemic struck, Amtrak suspended our incentive program and implemented benefit reductions and mandatory pay cuts for management of up to 22 percent—expense reduction measures beyond what many public and private sector companies enacted to help sustain Amtrak during the pandemic. In fact, pay reductions for our executive team were larger and extended longer than our non-executive employees, with our top-level executives taking a 12-month reduction in base pay.

*Question 5.* Will you commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile as expeditiously as possible, if confirmed again?

Answer. I know how important this issue is to you and your constituents. If confirmed, I commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile. The people of the Gulf Coast deserve this critical service. It is a priority for me and Amtrak. I look forward to continuing to work with you and your staff to make it a reality.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
ANTHONY R. COSCIA

*Question 1.* If confirmed, what will your priorities be for Amtrak?

Answer. If confirmed, my first priority will continue to be ensuring management is providing a safe transportation option for its customers and employees. As a Board Member, I also have an important fiduciary responsibility to the company, its growth and well-being, and to ensure Amtrak is a good steward of taxpayer investment. Finally, I am committed to expanding intercity passenger rail service where it makes sense as part of ensuring the United States has a globally competitive, growth-supporting, opportunity-creating, efficient and sustainable transportation network for the 21st century.

*Question 2.* Amtrak was created as a “for-profit” corporation, but it’s no secret that Amtrak (even before the COVID-19 pandemic) has struggled to bring in enough revenue to meet its operating expenses. Most recently, Amtrak’s FY 2022 Statement of Operating Revenue and Expenditures noted a planned deficit of around \$1.03 billion.

- In your view, should it be the goal of Amtrak to be self-sustaining without the need for government subsidies? If not, why not?
- Should Amtrak continue unprofitable routes or services that are unsustainable or should Congress be responsible for funding unprofitable routes or services? If so, why?
- If confirmed, what solutions or proposals (outside of pursuing government funding) will you seek to close this deficit and restore fiscal responsibility?

Answer. I believe passenger rail service is a necessary transportation option in this country, connecting many people in rural and suburban areas to the rest of the nation, and helping to support local and regional economies and businesses in a sustainable manner. Amtrak, through revenues and state support, was very close to breaking even on operating expenses at the beginning of 2020 and then the pandemic hit. We are still recovering from that significant loss but look forward to increasing our revenue each year going forward as we did leading up to 2020, as we also look to control costs and find new efficiencies.

It is important to understand, however, that we do not aim to “break even” for the sake of doing so, but instead look to achieve the mission set for us by Congress as prudently as possible and with only the amount of taxpayer support required to do so. This approach allows us to focus on recovering as much of the cost of the system as reasonably feasible from the direct users and beneficiaries and allows us to reinvest more of the general taxpayer’s support into our capital needs. Capital needs are truly a significant portion of the cost of running a passenger railroad, particular a legacy system like Amtrak’s with decades of deferred investments and old and declining assets.

Once you factor in public investment in capital costs, no railroad in the world is truly profitable. Yet these systems create enormous value to the communities and societies they serve, which is why global investment in passenger rail is on the rise. As you know, nearly all modes of transportation receive some significant form of public investment, including highways, transit, and aviation. If confirmed, I would continue to ensure Amtrak is a good steward of taxpayer investment and that we run the business consistent with the mission and goals given to us by Congress.

*Question 3.* 49 USC 24305 gives Amtrak the discretionary authority to provide “food and beverage service on its trains.” Recently, in Section 22208 of the IIJA Congress struck a revenue neutral requirement for the provision of such services.

- Should Amtrak provide food and beverage service on its trains even if those services run a deficit? If so, why?
- Should the American taxpayer be on the hook for subsidizing any unprofitable food and beverage service on Amtrak’s trains?

Answer. We aim to provide our customers with quality food and beverage services in a cost-effective way in support of our statutory mission and goals. Congress has made various directives related to food and beverage services over the years, and we will always follow the law and be good stewards of taxpayer investment. Most recently, the IIJA created Section 22208 to focus on customer experience across our network and establish a Food and Beverage Working Group to review our various services.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
CHRISTOPHER KOOS

***Amtrak’s Workforce.*** Workforce issues threaten Amtrak’s ability to restore service to pre-pandemic levels and effectively execute projects using the \$22 billion for Amtrak that was included as part of the Bipartisan Infrastructure Law. The Amtrak Cascades has not been running trains to Vancouver, B.C. since the start of the pandemic despite the Canadian border being open for almost a year. This has left five communities in my Washington state without any rail service.

*Question 1.* As a Board Member it will be your responsibility to set the company’s priorities. Will you make addressing Amtrak’s workforce issues a top priority if you are confirmed?

Answer. If confirmed, I commit to making Amtrak’s workforce a top priority.

*Question 2.* Will you commit to holding Amtrak accountable for developing and implementing a workforce development plan that ensures the company is able to fully restore service to 10 routes nationwide that are not operating at pre-pandemic levels and prepares the company to expand service as encouraged in the bipartisan infrastructure law?

Answer. If confirmed, I commit to holding Amtrak accountable for developing and implementing a workforce development plan as you outline above, consistent with Federal law and state partner participation where applicable.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
CHRISTOPHER KOOS

**Amtrak's On-Time Performance.** Many passengers consider on-time performance when choosing a mode of transportation. While Amtrak experienced its best operational performance ever in 2018, many long-distance routes still suffer from poor on-time performance. A number of people in my state have written to me this summer to report their Amtrak trains being delayed by as much as ten hours. In 2020, only 58 percent of Amtrak long-distance trains arrived at their stops on-time, while 86 percent of Northeast Corridor trains and 80 percent of state-supported trains arrived on time.

*Question 1.* Why are long-distance routes more likely to suffer from poor on-time performance than other routes?

Answer. It's my understanding that freight train interference is the most common cause of Amtrak delays. Congress required freights, as the host railroad to much of Amtrak National Network service, to give Amtrak trains preference in dispatching over freight trains. In practice, this is rarely enforced, creating abysmal on-time performance numbers on Amtrak long-distance lines.

*Question 2.* If confirmed, what will you do to improve Amtrak's on-time performance?

Answer. On-time performance for Amtrak long-distance trains is crucial. Real enforcement is necessary for Amtrak trains to run on time. Senator Durbin has introduced a bill to address these concerns, which Amtrak supports.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO  
CHRISTOPHER KOOS

**Chicago Union Station Access Project.** Amtrak joined a diverse coalition in a recent MEGA grant application for the Chicago Union Station Access Project, which, if awarded, would transform Chicago Union Station and lay a foundation for better Amtrak service across the Midwest.

In Illinois, this would mean reduced travel time from Chicago to Central and Southern Illinois and improved rail access to O'Hare. However, this project isn't just about Illinois. It would also improve tracks in Michigan and help Amtrak build toward better service across the region.

Chicago is Amtrak's busiest station outside of the Northeast and is critical to the flow of passenger rail service across the Midwest. Many of Amtrak's routes through the Midwest run through Chicago. Service to Wisconsin, Minnesota, Indiana, Michigan, Missouri and Nebraska are all impacted by tracks that run through Chicago.

*Question.* Can you explain why improvements into and out of Chicago are so critical to the region and why the Chicago Union Station Access Project is so important to passengers across the Midwest and around the country?

Answer. I understand that Amtrak is working with the City of Chicago, the State of Illinois and Metra, the Chicago area commuter authority, to seek a grant under the Mega Program. I understand this would enable Amtrak to further advance the redevelopment of Amtrak's Chicago Union Station and create a better route into Union Station for two state-supported and two long-distance routes. If confirmed, I look forward to learning more about this proposal and working with you on this important issue for the City, the State and the Amtrak network.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
CHRISTOPHER KOOS

**Amtrak Investments in Infrastructure Investment and Jobs Act.** I was proud to lead negotiations that resulted in the bipartisan Infrastructure Investment and Jobs Act (IIJA) becoming law. The IIJA provided \$22 billion in grants for Amtrak over five years, including \$6 billion for the Northeast Corridor and \$16 billion for the National Network. The IIJA also included \$36 billion over five years for grants for Federal and state partnerships for intercity passenger rail, with stipulations that no more than \$24 billion may be awarded to the Northeast Corridor and at least \$12 billion must go towards projects on the National Network. Amtrak is also eligible to apply for other multimodal grant programs administered by Department of Transportation, including the National Project Assistance Program and Local and Regional Project Assistance Program.

*Question.* What does Amtrak plan to accomplish system-wide with this significant investment in passenger rail infrastructure?

Answer. It is my understanding that Amtrak initially plans to use the \$22 billion to rehabilitate or replace old assets include new trainsets, new fleet (cars and locomotives), improved maintenance facilities, capital projects defined by the IIJA, ADA compliance, and matching funds for certain Federal grants, among other improvements. I look forward to working with the FRA as they initiate grant programs and funding in the coming years, as well as with our state and commuter partners, to address the needs across the system. If confirmed, I intend to get up to speed as quick as possible with these plans for the Amtrak system.

**Amtrak Expansion.** Phoenix is the largest American city that does not have downtown Amtrak service. Residents in the Phoenix metropolitan area must currently travel nearly an hour south of Phoenix to the nearest Amtrak station in Maricopa to access Amtrak service. I was excited to see that Amtrak released a proposal in July 2021 that would expand Amtrak service in Arizona and create a new route between Tucson and Phoenix. This proposal has the support of a number of local mayors in Maricopa County and southern Arizona.

*Question.* What are your thoughts on expanding Amtrak's system? What procedures will Amtrak use to consider new routes?

Answer. If confirmed, I intend to learn as much as possible about the opportunities for expansion of the Amtrak system, as well as the FRA programs that may support such expansion. I would also be very interested to learn more about any potential opportunities in Arizona, including the route between Tucson and Phoenix that you mentioned, and to work with you and your staff.

**Commitment to National Network.** I joined my colleague, Senator Moran, to request your support for Amtrak's national network, including the Southwest Chief, which serves three communities in northern Arizona. I was disappointed in your response to my and Senator Moran's letter, which did not appear to convey enthusiasm for the benefits of long distance service.

Daily service on our national routes enables Americans living in communities large and small to access affordable transportation to reach their final destinations. In Arizona, the long distance service supports tourism, allows visitors to enjoy our national parks, and creates jobs.

*Question.* Will you reaffirm your commitment to maintaining daily service on Amtrak's National Network, including the Southwest Chief, Sunset Limited, and Texas Eagle in Arizona?

Answer. Yes, I reaffirm my commitment to long distance service, including daily service on the Southwest Chief. It is my understanding that pre-pandemic, the Sunset Limited/Texas Eagle segment that operates through Arizona only operated three times per week, and I commit to maintaining this level of service, and in fact, learning more about opportunities to increase it.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO  
CHRISTOPHER KOOS

**Northern Nevada Passenger Rail Service.** Amtrak's California Zephyr line serves Northern Nevada and is a vital link to three communities in the state: Elko, Winnemucca, and Reno. The 84,000 travelers who travel on the line annually depend on the service, including many of our rural veterans and seniors who use Amtrak to access medical care in Reno. The Zephyr line also economically connects our rural communities with the growing Reno-Sparks metro area.

The news has well-covered this summer's air travel challenges, but rail service has not been immune to delays and cancellations either. The California Zephyr line has experienced multiple-hour delays, with some customers arriving up to six hours late, leading to missed connections.

And unlike on the East Coast, customers in the West have limited options along these routes to rebook after being delayed due to no fault of their own. Moreover, delays not only impact the public's time; they also have a significant economic impact on fuel, labor, and lost revenue.

*Question 1.* To each of the nominees to the Amtrak Board, can I get a commitment from you to work to ensure people in Nevada, as well as other rural communities, have access to reliable passenger service? Specifically, how will you address the kinds of delays on long-distance lines we experienced this summer? Let's begin with Mr. Capozzi, then Mr. Coscia, Mr. Koos, Mr. Lathem, and finally Ms. Wiessmann.

Answer. It's my understanding that freight train interference is the most common cause of Amtrak delays. Congress required freights, as the host railroad to much of Amtrak National Network service, to give Amtrak trains preference in dis-

patching over freight trains. In practice, this is rarely enforced, creating abysmal on-time performance on all Amtrak long-distance lines. Real enforcement is necessary for Amtrak trains to run on time.

*Question 2.* I would also encourage and invite you to come out to Northern Nevada to hear from the residents of Winnemucca, Reno, and Elko first-hand about the importance of a reliable, functioning Zephyr line. Can I get your commitment that the Board will at some point in the next two years host a meeting in Northern Nevada to hear directly from my constituents? Let's begin with Mr. Capozzi and then go down the line again.

Answer. I cannot speak to the Board's official schedule, but if confirmed, I would be happy to visit Northern Nevada and hear from your constituents.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAY BEN LUJÁN TO  
CHRISTOPHER KOOS

***Long Distance Rail & the Southwest Chief.*** I appreciate my colleague Senator Moran's advocacy for long-distance rail, including the Southwest Chief line that New Mexicans rely on to connect to the rest of the country. I also appreciate your commitments to improving and expanding long distance rail if confirmed to this position.

I was proud to support the Infrastructure Investment and Jobs Act, which included \$66 billion in direct funding for passenger and freight rail repairs, safety, upgrades, and service expansion.

This funding will help address years of underinvestment, including in our long distance rail lines like the Southwest Chief. Over the past few years, equipment shortages and mechanical failures have increasingly led to delays and cancellations on Amtrak routes across the country, and it's long past time to invest in our long-distance rail network to upgrade and improve Amtrak's passenger rail car fleet.

I'd like to hear more about each of your visions for our long-distance rail network as you work to deploy funding from the Infrastructure Investment and Jobs Act.

*Question 1.* What are the greatest issues facing our long-distance rail network right now, and what are the first steps that Amtrak should take to address those concerns?

Answer. If confirmed, I plan to learn much more about these concerns. As I understand it today, the largest issues facing long-distance include the need to replace current aged fleet with new long-distance fleet, hiring up to address workforce needs, station improvements, enhancing the customer experience, and improving on-time performance, especially due to freight train interference. From what I know, Amtrak is already addressing many of these concerns and IJA provides much needed funding to help with capital investments. It is my understanding that freight train interference remains a problem for passenger trains, and I look forward to working with you and your staff to learn more about this issue.

*Question 2.* If the funding in IJA is not enough to bring all of the trains up to Amtrak's standard, how would you advise Amtrak to decide which trains and which lines get much-needed upgrades? Will it be based on ridership levels, age and standard of the current equipment, or other factors?

Answer. I don't know how Amtrak would make those decisions, but if confirmed, I hope to learn more about where Amtrak stands in applying IJA investment to its fleet, stations and other infrastructure in the National Network.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO  
CHRISTOPHER KOOS

***Amtrak Front Range Rail.*** Board of Director nominees, as you are probably aware, the Bipartisan Infrastructure Law (BIL) authorized funds for the Federal-State Partnership for Intercity Passenger Rail program to expand Amtrak's intercity service routes, including \$12 billion for the National Network. This funding may be used to improve an existing corridor or build a brand-new passenger rail route.

Amtrak's California Zephyr is an East-West route which passes through Colorado and connects our state to the West Coast and the Midwest. However, Colorado's Front Range currently lacks a North-South service route connecting Colorado's cities of Pueblo, Colorado Springs, and Denver to Cheyenne, Wyoming. The newly proposed Front Range Passenger Rail would provide additional economic opportunities and expand transit options for many communities along the proposed route.

*Question.* Mr. Coscia, Mr. Capozzi, Mr. Koos, Ms. Wiessmann, and Mr. Lathem, if confirmed to the Board of Amtrak, how would you help ensure Amtrak's National Network routes meet the needs of Mountain West communities?

*Answer.* From what I know, Amtrak has proposed a number of new routes and frequencies with its Amtrak Connects U.S. ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)) vision. Congress passed in the IIJA a new FRA Corridor ID program to identify new opportunities for corridor routes. States and other eligible entities should express their interest to FRA and work within new Federal programs to advance these route opportunities. I have heard that the Front Range is an exciting opportunity and I hope to learn more about it and work with you and your staff on issues important to Coloradans.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
CHRISTOPHER KOOS

*Question 1.* The Amtrak Inspector General has warned that Amtrak lacks the management capacity for capital projects necessary to implement the historic level of funding from the bipartisan infrastructure law. The Gateway Development Commission recently delayed the projected completion of the Hudson Tunnel project by another three years, with the expected cost rising to over \$14 billion as a result of market volatility and inflation. If confirmed, how will you engage with Amtrak executives and other stakeholders to ensure efficient project delivery and use of funding?

*Answer.* Congress passed historic legislation in IIJA, a long overdue investment in passenger rail. With that new funding comes a great responsibility. The Board must work with management to ensure we deliver capital projects in an efficient and effective manner and that the company be a good steward of taxpayer investment. It is my understanding that Amtrak recently established a new capital delivery team to help implement IIJA, and if confirmed, I look forward to learning more about how the company plans to deliver these important projects for the Nation.

*Question 2.* Amtrak executive bonuses have been in the news recently. While incentives may be necessary to retain talented managers, they must also be measured and responsible given the substantial taxpayer subsidies Amtrak receives. Importantly, incentives must also be based on metrics that genuinely reflect the state of all Amtrak's service lines—without overlooking the long-distance backbone of the network. Will you commit to reviewing the metrics used for incentive payments and scrutinizing these bonuses for appropriateness, if confirmed?

*Answer.* Yes, if confirmed, as a new Board member, I would be very interested in how Amtrak structures its pay for all management and agreement employees. Recruiting talent, being competitive in the transportation industry, and retaining talent in a company requires good incentives and investment in its workforce. I look forward to learning how Amtrak addresses these challenges.

*Question 3.* Will you commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile as expeditiously as possible, if confirmed?

*Answer.* I know how important this issue is to you and to your constituents. If confirmed, I look forward to working with you and your staff and learning more about the specifics about the Gulf Coast passenger rail service between New Orleans and Mobile. From what I understand, it does seem like a worthwhile endeavor and the people of the Gulf Coast do deserve this critical service, so I am very supportive of the concept and just need to learn more about the specifics.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
CHRISTOPHER KOOS

*Question 1.* If confirmed, what will your priorities be for Amtrak?

*Answer.* If confirmed, my first priority would always be to ensure management is providing a safe transportation option for its customers and employees. Beyond that, I look forward to learning more about the corporate structures, commercial business and operations, and other issues involving Amtrak. It is also important to note that as a Board Member I would have an important fiduciary responsibility to the company, its growth and well-being, and to ensure Amtrak is a good steward of taxpayer investment.

*Question 2.* Amtrak was created as a "for-profit" corporation, but it's no secret that Amtrak (even before the COVID-19 pandemic) has struggled to bring in enough revenue to meet its operating expenses. Most recently, Amtrak's FY 2022

Statement of Operating Revenue and Expenditures noted a planned deficit of around \$1.03 billion.

- In your view, should it be the goal of Amtrak to be self-sustaining without the need for government subsidies? If not, why not?
- Should Amtrak continue unprofitable routes or services that are unsustainable or should Congress be responsible for funding unprofitable routes or services? If so, why?
- If confirmed, what solutions or proposals (outside of pursuing government funding) will you seek to close this deficit and restore fiscal responsibility?

Answer. I believe passenger rail service is a necessary transportation option in this country, connecting many people in rural and suburban areas to the rest of the nation, and helping to support local and regional economies and businesses. It is my understanding that once you factor in public investment in capital costs, no railroad in the world is truly profitable. In addition, nearly all modes of transportation receive some form of public investment, including highways, transit and aviation. If confirmed, I would help ensure that the company is a good steward of taxpayer investment and that we run the business consistent with our Mission and Goals given to us by the U.S. Congress.

*Question 3.* 49 USC 24305 gives Amtrak the discretionary authority to provide “food and beverage service on its trains.” Recently, in Section 22208 of the IIJA Congress struck a revenue neutral requirement for the provision of such services.

- Should Amtrak provide food and beverage service on its trains even if those services run a deficit? If so, why?
- Should the American taxpayer be on the hook for subsidizing any unprofitable food and beverage service on Amtrak’s trains?

Answer. If confirmed, I look forward to learning about this issue. I understand it is likely complex and involves many factors for consideration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
SAMUEL E. LATHEM

***Amtrak’s Workforce.*** Workforce issues threaten Amtrak’s ability to restore service to pre-pandemic levels and effectively execute projects using the \$22 billion for Amtrak that was included as part of the Bipartisan Infrastructure Law. The Amtrak Cascades has not been running trains to Vancouver, B.C. since the start of the pandemic despite the Canadian border being open for almost a year. This has left five communities in my Washington state without any rail service.

*Question 1.* As a Board Member it will be your responsibility to set the company’s priorities. Will you make addressing Amtrak’s workforce issues a top priority if you are confirmed?

Answer. If confirmed, I commit to making Amtrak’s workforce a top priority.

*Question 2.* Will you commit to holding Amtrak accountable for developing and implementing a workforce development plan that ensures the company is able to fully restore service to 10 routes nationwide that are not operating at pre-pandemic levels and prepares the company to expand service as encouraged in the bipartisan infrastructure law?

Answer. If confirmed, I commit to holding Amtrak accountable for developing and implementing a workforce development plan as you outline above, consistent with Federal law and state partner participation where applicable.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO  
SAMUEL E. LATHEM

***Amtrak Investments in Infrastructure Investment and Jobs Act.*** I was proud to lead negotiations that resulted in the bipartisan Infrastructure Investment and Jobs Act (IIJA) becoming law. The IIJA provided \$22 billion in grants for Amtrak over five years, including \$6 billion for the Northeast Corridor and \$16 billion for the National Network. The IIJA also included \$36 billion over five years for grants for Federal and state partnerships for intercity passenger rail, with stipulations that no more than \$24 billion may be awarded to the Northeast Corridor and at least \$12 billion must go towards projects on the National Network. Amtrak is also eligible to apply for other multimodal grant programs administered by Depart-

ment of Transportation, including the National Project Assistance Program and Local and Regional Project Assistance Program.

*Question.* What does Amtrak plan to accomplish system-wide with this significant investment in passenger rail infrastructure?

Answer. It is my understanding that Amtrak initially plans to use the \$22 billion to rehabilitate or replace old assets include new trainsets, new fleet (cars and locomotives), improved maintenance facilities, capital projects defined by the IIJA, ADA compliance, and matching funds for certain Federal grants, among other improvements. I look forward to working with the FRA as they initiate grant programs and funding in the coming years, as well as with our state and commuter partners, to address the needs across the system. If confirmed, I intend to get up to speed as quick as possible with these plans for the Amtrak system.

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*Question.* What are your thoughts on expanding Amtrak's system? What procedures will Amtrak use to consider new routes?

Answer. If confirmed, I intend to learn as much as possible about the opportunities for expansion of the Amtrak system, as well as the FRA programs that may support such expansion. I would also be very interested to learn more about any potential opportunities in Arizona, including the route between Tucson and Phoenix that you mentioned, and to work with you and your staff.

**Commitment to National Network.** I joined my colleague, Senator Moran, to request your support for Amtrak's national network, including the Southwest Chief, which serves three communities in northern Arizona. I was disappointed in your response to my and Senator Moran's letter, which did not appear to convey enthusiasm for the benefits of long distance service.

Daily service on our national routes enables Americans living in communities large and small to access affordable transportation to reach their final destinations. In Arizona, the long distance service supports tourism, allows visitors to enjoy our national parks, and creates jobs.

*Question.* Will you reaffirm your commitment to maintaining daily service on Amtrak's National Network, including the Southwest Chief, Sunset Limited, and Texas Eagle in Arizona?

Answer. Yes, I reaffirm my commitment to long distance service, including daily service on the Southwest Chief. It is my understanding that pre-pandemic, the Sunset Limited/Texas Eagle segment that operates through Arizona only operated three times per week, and I commit to maintaining this level of service, and in fact, learning more about opportunities to increase it.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO  
SAMUEL E. LATHAM

**Northern Nevada Passenger Rail Service.** Amtrak's California Zephyr line serves Northern Nevada and is a vital link to three communities in the state: Elko, Winnemucca, and Reno. The 84,000 travelers who travel on the line annually depend on the service, including many of our rural veterans and seniors who use Amtrak to access medical care in Reno. The Zephyr line also economically connects our rural communities with the growing Reno-Sparks metro area.

The news has well-covered this summer's air travel challenges, but rail service has not been immune to delays and cancellations either. The California Zephyr line has experienced multiple-hour delays, with some customers arriving up to six hours late, leading to missed connections.

And unlike on the East Coast, customers in the West have limited options along these routes to rebook after being delayed due to no fault of their own. Moreover, delays not only impact the public's time; they also have a significant economic impact on fuel, labor, and lost revenue.

*Question 1.* To each of the nominees to the Amtrak Board, can I get a commitment from you to work to ensure people in Nevada, as well as other rural communities, have access to reliable passenger service? Specifically, how will you address the

kinds of delays on long-distance lines we experienced this summer? Let's begin with Mr. Capozzi, then Mr. Coscia, Mr. Koos, Mr. Lathem, and finally Ms. Wiessmann.

Answer. It's my understanding that freight train interference is the most common cause of Amtrak delays. Congress required freights, as the host railroad to much of Amtrak National Network service, to give Amtrak trains preference in dispatching over freight trains. In practice, this is rarely enforced, creating abysmal on-time performance on all Amtrak long-distance lines. Real enforcement is necessary for Amtrak trains to run on time.

*Question 2.* I would also encourage and invite you to come out to Northern Nevada to hear from the residents of Winnemucca, Reno, and Elko first-hand about the importance of a reliable, functioning Zephyr line. Can I get your commitment that the Board will at some point in the next two years host a meeting in Northern Nevada to hear directly from my constituents? Let's begin with Mr. Capozzi and then go down the line again.

Answer. I cannot speak to the Board's official schedule, but if confirmed, I would be happy to visit Northern Nevada and hear from your constituents.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAY BEN LUJÁN TO  
SAMUEL E. LATHEM

***Long Distance Rail & the Southwest Chief.*** I appreciate my colleague Senator Moran's advocacy for long-distance rail, including the Southwest Chief line that New Mexicans rely on to connect to the rest of the country. I also appreciate your commitments to improving and expanding long distance rail if confirmed to this position.

I was proud to support the Infrastructure Investment and Jobs Act, which included \$66 billion in direct funding for passenger and freight rail repairs, safety, upgrades, and service expansion.

This funding will help address years of underinvestment, including in our long distance rail lines like the Southwest Chief. Over the past few years, equipment shortages and mechanical failures have increasingly led to delays and cancellations on Amtrak routes across the country, and it's long past time to invest in our long-distance rail network to upgrade and improve Amtrak's passenger rail car fleet.

I'd like to hear more about each of your visions for our long-distance rail network as you work to deploy funding from the Infrastructure Investment and Jobs Act.

*Question 1.* What are the greatest issues facing our long-distance rail network right now, and what are the first steps that Amtrak should take to address those concerns?

Answer. If confirmed, I plan to learn much more about these concerns. As I understand it today, the largest issues facing long-distance include the need to replace current aged fleet with new long-distance fleet, hiring up to address workforce needs, station improvements, enhancing the customer experience, and improving on-time performance, especially due to freight train interference. From what I know, Amtrak is already addressing many of these concerns and IIJA provides much needed funding to help with capital investments. It is my understanding that freight train interference remains a problem for passenger trains, and I look forward to working with you and your staff to learn more about this issue.

*Question 2.* If the funding in IIJA is not enough to bring all of the trains up to Amtrak's standard, how would you advise Amtrak to decide which trains and which lines get much-needed upgrades? Will it be based on ridership levels, age and standard of the current equipment, or other factors?

Answer. I don't know how Amtrak would make those decisions, but if confirmed, I hope to learn more about where Amtrak stands in applying IIJA investment to its fleet, stations and other infrastructure in the National Network.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN HICKENLOOPER TO  
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***Amtrak Front Range Rail.*** Board of Director nominees, as you are probably aware, the Bipartisan Infrastructure Law (BIL) authorized funds for the Federal-State Partnership for Intercity Passenger Rail program to expand Amtrak's intercity service routes, including \$12 billion for the National Network. This funding may be used to improve an existing corridor or build a brand-new passenger rail route.

Amtrak's California Zephyr is an East-West route which passes through Colorado and connects our state to the West Coast and the Midwest. However, Colorado's Front Range currently lacks a North-South service route connecting Colorado's cities

of Pueblo, Colorado Springs, and Denver to Cheyenne, Wyoming. The newly proposed Front Range Passenger Rail would provide additional economic opportunities and expand transit options for many communities along the proposed route.

*Question.* Mr. Coscia, Mr. Capozzi, Mr. Koos, Ms. Wiessmann, and Mr. Lathem, if confirmed to the Board of Amtrak, how would you help ensure Amtrak's National Network routes meet the needs of Mountain West communities?

*Answer.* From what I know, Amtrak has proposed a number of new routes and frequencies with its Amtrak Connects U.S. ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)) vision. Congress passed in the IIJA a new FRA Corridor ID program to identify new opportunities for corridor routes. States and other eligible entities should express their interest to FRA and work within new Federal programs to advance these route opportunities. I have heard that the Front Range is an exciting opportunity and I hope to learn more about it and work with you and your staff on issues important to Coloradans.

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*Question 1.* The Amtrak Inspector General has warned that Amtrak lacks the management capacity for capital projects necessary to implement the historic level of funding from the bipartisan infrastructure law. The Gateway Development Commission recently delayed the projected completion of the Hudson Tunnel project by another three years, with the expected cost rising to over \$14 billion as a result of market volatility and inflation. If confirmed, how will you engage with Amtrak executives and other stakeholders to ensure efficient project delivery and use of funding?

*Answer.* Congress passed historic legislation in IIJA, a long overdue investment in passenger rail. With that new funding comes a great responsibility. The Board must work with management to ensure we deliver capital projects in an efficient and effective manner and that the company be a good steward of taxpayer investment. It is my understanding that Amtrak recently established a new capital delivery team to help implement IIJA, and if confirmed, I look forward to learning more about how the company plans to deliver these important projects for the Nation.

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*Answer.* Yes, if confirmed, as a new Board member, I would be very interested in how Amtrak structures its pay for all management and agreement employees. Recruiting talent, being competitive in the transportation industry, and retaining talent in a company requires good incentives and investment in your workforce. I look forward to learning how Amtrak addresses these challenges.

*Question 3.* Will you commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile as expeditiously as possible, if confirmed?

*Answer.* I know how important this issue is to you and to your constituents. If confirmed, I look forward to working with you and your staff and learning more about the specifics about the Gulf Coast passenger rail service between New Orleans and Mobile. From what I understand, it does seem like a worthwhile endeavor and the people of the Gulf Coast do deserve this critical service, so I am very supportive of the concept and just need to learn more about the specifics.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
SAMUEL E. LATHEM

*Question 1.* If confirmed, what will your priorities be for Amtrak?

*Answer.* If confirmed, my first priority would always be to ensure management is providing a safe transportation option for its customers and employees. Beyond that, I look forward to learning more about the corporate structures, commercial business and operations, and other issues involving Amtrak. It is also important to note that as a Board Member I would have an important fiduciary responsibility to the company, its growth and well-being, and to ensure Amtrak is a good steward of taxpayer investment.

*Question 2.* Amtrak was created as a “for-profit” corporation, but it’s no secret that Amtrak (even before the COVID-19 pandemic) has struggled to bring in enough revenue to meet its operating expenses. Most recently, Amtrak’s FY 2022 Statement of Operating Revenue and Expenditures noted a planned deficit of around \$1.03 billion.

- In your view, should it be the goal of Amtrak to be self-sustaining without the need for government subsidies? If not, why not?
- Should Amtrak continue unprofitable routes or services that are unsustainable or should Congress be responsible for funding unprofitable routes or services? If so, why?
- If confirmed, what solutions or proposals (outside of pursuing government funding) will you seek to close this deficit and restore fiscal responsibility?

Answer. I believe passenger rail service is a necessary transportation option in this country, connecting many people in rural and suburban areas to the rest of the nation, and helping to support local and regional economies and businesses. It is my understanding that once you factor in public investment in capital costs, no railroad in the world is truly profitable. In addition, nearly all modes of transportation receive some form of public investment, including highways, transit and aviation. If confirmed, I would help ensure that the company is a good steward of taxpayer investment and that we run the business consistent with our Mission and Goals given to us by the U.S. Congress.

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Answer. I cannot speak to the Board's official schedule, but if confirmed, I would be happy to visit Northern Nevada and hear from your constituents.

**Railroad Labor Shortage.** As a result of the pandemic, Amtrak has been struggling to retain workers, making it difficult to recover and expand their services. In June, Amtrak received an \$8 million grant from the Federal Railroad Association for a worker training program to improve their recruitment and retention. This funding will be used to launch a mechanical training program that will run over the next 3 years in major hub cities like New York, Los Angeles, and Chicago.

*Question 1.* To Mr. Coscia and Ms. Wiessmann, can you talk about how the board plans to use this funding to attract and retain new hires?

Answer. I look forward to learning more about the specifics of the mechanical training program you reference. From what I understand, Amtrak is already advancing a number of initiatives to attract new hires, including an employee referral program, sign-on bonuses and relocation offerings, a robust recruitment marketing strategy, military recruitment and engagement, school partnerships, dozens of hiring events across the country, internships, and retention programs.

*Question 2.* And as a company with less than 20 percent of its workforce made up of women, how will Amtrak use this funding to attract and retain more women especially in skilled labor and trades whereas a whole they are woefully underrepresented?

Answer. In addition to the initiatives above, it is my understanding that Amtrak importantly focuses on diversity recruitment partnerships. I understand they partner with multiple organizations to increase their diversity, including National Society of Black Engineers (NSBE); Society of Women Engineers (SWE); Women in Technology; Association of Latino Professionals for America (ALPFA); Disability Engagement; and Campus Pride Alliance. If confirmed, I would be happy to work with your office on improving their outreach in this space.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAY BEN LUJÁN TO  
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**Long Distance Rail & the Southwest Chief.** I appreciate my colleague Senator Moran's advocacy for long-distance rail, including the Southwest Chief line that New Mexicans rely on to connect to the rest of the country. I also appreciate your commitments to improving and expanding long distance rail if confirmed to this position.

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*Question 1.* What are the greatest issues facing our long-distance rail network right now, and what are the first steps that Amtrak should take to address those concerns?

Answer. If confirmed, I plan to learn much more about these concerns. As I understand it today, the largest issues facing long-distance include the need to replace

current aged fleet with new long-distance fleet, hiring up to address workforce needs, station improvements, enhancing the customer experience, and improving on-time performance, especially due to freight train interference. From what I know, Amtrak is already addressing many of these concerns and IIJA provides much needed funding to help with capital investments. It is my understanding that freight train interference remains a problem for passenger trains, and I look forward to working with you and your staff to learn more about this issue.

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Answer. From what I know, Amtrak has proposed a number of new routes and frequencies with its Amtrak Connects U.S. ([www.amtrakconnectsus.com](http://www.amtrakconnectsus.com)) vision. Congress passed in the IIJA a new FRA Corridor ID program to identify new opportunities for corridor routes. States and other eligible entities should express their interest to FRA and work within new Federal programs to advance these route opportunities. I have heard that the Front Range is an exciting opportunity and I hope to learn more about it and work with you and your staff on issues important to Coloradans.

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Answer. Yes, if confirmed, as a new Board member, I would be very interested in how Amtrak structures its pay for all management and agreement employees. Recruiting talent, being competitive in the transportation industry, and retaining talent in a company requires good incentives and investment in your workforce. I look forward to learning how Amtrak addresses these challenges.

*Question 3.* Ms. Wiessmann, in the information you provided to the committee there is a reference to equity you have in certain railroads. Can you explain how you have addressed any potential conflicts of interest or the appearance of conflicts of interest, should you be confirmed? How would any resolution to those potential conflicts of interest impact your ability to participate in Amtrak Board of Directors proceedings?

Answer. Amtrak and the Office of Government Ethics (OGE) have at all times been aware that I own equity in certain railroads. These interests were disclosed on my Form 450 Financial Disclosure Report. Amtrak's in-house ethics counsel reviewed this matter carefully before certifying to OGE that these outside interests do not, either as a matter of law or Amtrak ethics policy, preclude me from serving as an Amtrak Director. More specifically, Amtrak's Code of Business Conduct and Ethics requires Directors to disclose potential conflicts so they can be avoided through recusals or other mitigation measures as needed, but such conflicts or potential conflicts are not a general bar to service as a Director. In my situation, should a matter come before the Board in which my stock ownership or any other matter creates an actual, potential, or perceived conflict of interest, Amtrak's ethics counsel and Corporate Secretary would advise me and the other Directors about how best to avoid or mitigate the potential conflict, most likely through recusal from the Board matters at issue.

*Question 4.* Will you commit to working to restore Gulf Coast passenger rail service between New Orleans and Mobile as expeditiously as possible, if confirmed?

Answer. I know how important this issue is to you and to your constituents. If confirmed, I look forward to working with you and your staff and learning more about the specifics about the Gulf Coast passenger rail service between New Orleans and Mobile. From what I understand, it does seem like a worthwhile endeavor and the people of the Gulf Coast do deserve this critical service, so I am very supportive of the concept and just need to learn more about the specifics.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
ROBIN L. WIESSMANN

*Question 1.* If confirmed, what will your priorities be for Amtrak?

Answer. If confirmed, my first priority would always be to ensure management is providing a safe transportation option for its customers and employees. Beyond that, I look forward to learning more about the corporate structures, commercial business and operations, and other issues involving Amtrak. It is also important to note that as a Board Member I would have an important fiduciary responsibility to the company, its growth and well-being, and to ensure Amtrak is a good steward of taxpayer investment.

*Question 2.* Amtrak was created as a "for-profit" corporation, but it's no secret that Amtrak (even before the COVID-19 pandemic) has struggled to bring in enough revenue to meet its operating expenses. Most recently, Amtrak's FY 2022 Statement of Operating Revenue and Expenditures noted a planned deficit of around \$1.03 billion.

- In your view, should it be the goal of Amtrak to be self-sustaining without the need for government subsidies? If not, why not?
- Should Amtrak continue unprofitable routes or services that are unsustainable or should Congress be responsible for funding unprofitable routes or services? If so, why?
- If confirmed, what solutions or proposals (outside of pursuing government funding) will you seek to close this deficit and restore fiscal responsibility?

Answer. I believe passenger rail service is a necessary transportation option in this country, connecting many people in rural and suburban areas to the rest of the nation, and helping to support local and regional economies and businesses. It is my understanding that once you factor in public investment in capital costs, no railroad in the world is truly profitable. In addition, nearly all modes of transportation receive some form of public investment, including highways, transit and aviation. If confirmed, I would help ensure that the company is a good steward of taxpayer in-

vestment and that we run the business consistent with our Mission and Goals given to us by the U.S. Congress.

*Question 3.* 49 USC 24305 gives Amtrak the discretionary authority to provide “food and beverage service on its trains.” Recently, in Section 22208 of the IIJA Congress struck a revenue neutral requirement for the provision of such services.

- Should Amtrak provide food and beverage service on its trains even if those services run a deficit? If so, why?
- Should the American taxpayer be on the hook for subsidizing any unprofitable food and beverage service on Amtrak’s trains?

Answer. If confirmed, I look forward to learning about this issue. I understand it is likely complex and involves many factors for consideration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
ROBERT E. PRIMUS

***Significant Rail Surface Disruption.*** We’ve been hearing from manufacturers, farmers, ranchers and energy producers about unreliable freight rail service, with doubling of trip times, increased rates, instances where scheduled trains did not arrive or were too full to load with product, and livestock operations that were forced to ration feed or find alternative feed options.

*Question.* If confirmed for another term, how will you work to address these concerns?

Answer. Senator Klobuchar, since mid-2020, our national supply chain has faced substantial pressure due to the enormous demand from domestic economic activity. Unfortunately, over the past sixteen months, our Nation’s freight rail network has struggled to keep up with demand and, as a result, has not been able to provide the type of service its customers need and deserve. The network has subsequently experienced system-wide service disruptions and failures that have caused arduous shipping delays and imposed substantial added costs upon freight rail customers.

Much of the service failures can be attributed to manpower and equipment shortfalls, and the Board has been actively engaged with stakeholders to develop workable solutions to increase the reliability and resiliency of our freight rail network. We have encouraged the Class Is to implement workforce decisions that would focus less on operating ratios and more on maintaining labor levels that can adequately handle the ebbs and flows of the national economy and customer demand. The Board also held a public hearing in Washington, DC, on April 26 and 27, 2022, to discuss the recent rail service problems and the adequacy of recovery efforts involving BNSF, CSXT, NSR, and UP, and has maintained ongoing oversight of the current service crisis. The Board also continues to rely on both its Rail Shipper Transportation Advisory Council and Rail Energy Transportation Advisory Committee, for stakeholder insight and perspective. And while I would rather see service problems resolved between the rail carriers and its shipping customers, I understand that Board intervention is sometimes warranted.

Accordingly, I will work with my fellow Board members to develop workable solutions that will mitigate systemic service problems and ensure fluidity, efficiency, and balance throughout the network.

***Freight Rail Workforce and the Federal Railroad Administration.*** Freight railroads employ approximately 135,000 workers and support over 1.1 million jobs. Precision scheduled railroad (PSR) operation model has led many of the Class I railroads to reduce their workforce by about 10 percent, cutting over 20,000 jobs between January 2019 to January 2020.

*Question.* If confirmed, can you speak to ways you will help support the freight and rail workforce?

Answer. Senator Klobuchar, without a doubt, our national freight rail network is the best the world has to offer. The strength of the network lies in its labor force and the thousands of individuals who work tirelessly to ensure that freight moves safely and efficiently from origin to destination. Recently, however, that strength has been eroded with the implementation of the Precision Scheduled Railroad model. Between 2018 and 2020, Class I railroads reduced their workforce by one-third, or 40,000 people. As a result, the network was left with a workforce that was stretched too thin and could not adequately handle the growing service demands of freight rail customers. This has led to severe service degradation and an overworked and often demoralized labor force struggling to keep up.

While we do not have jurisdiction over rail labor, the Board conducted public hearings related to service and invited labor to share its concerns about working

conditions and attendance policies, and the Class I railroads to share its employment plans and efforts to recruit, hire, and retain its labor force. The Board has also impressed upon the Class Is the necessity of keeping workforce numbers at a level appropriate to handle the Nation's dynamic economic cycles. A strong and motivated workforce means a strong and efficient national rail network, and, if confirmed, I will continue to work to promote the success of this workforce.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JACKY ROSEN TO  
ROBERT E. PRIMUS

***Investing in Rail Infrastructure.*** Mr. Primus, congratulations on being nominated to serve again as a member of the Surface Transportation Board. Through legislation like the Bipartisan Infrastructure Law that I helped write, Congress has made critical investments to improve transportation infrastructure across the country, creating new jobs, improving services, and supporting innovation. Making capital investments in rail will also enhance supply chain resiliency—safely and efficiently moving goods from ships to storefronts and lowering costs for American households. This is particularly important in landlocked states like Nevada, where goods that have been unloaded at coastal ports must travel hundreds of miles by rail and highway to reach their final destination.

*Question 1.* Mr. Primus, as much of that capital comes from the private sector, can you describe what steps the STB is taking to encourage greater investment in the rail industry?

Answer. Senator Rosen, thank you for the kind words and the well wishes. While the Board does not have direct oversight of the investment decisions of the railroads, I will work to encourage the railroads to invest more in their workforce and physical infrastructure. The strength of the rail network is in its labor force, and as the recent labor negotiations revealed, a strong, dedicated, and motivated rail labor force is a critically needed component of our national supply chain. Along with a strong labor force, I believe further investment is needed in our rail network's physical infrastructure. The demand for freight rail service amongst our Nation's various economic sectors is projected to grow over the coming decades and the Class Is will have important decisions to make concerning that growth.

*Question 2.* With robust investment from both Congress and the private sector in the wake of the Bipartisan Infrastructure Law, what do you see as areas in rail that are still lacking sufficient resources or support?

Answer. Senator Rosen, in my opinion, there is one area of rail that continues to lack sufficient resources and that is Amtrak's annual operating budget. Though the bipartisan Infrastructure Investment and Jobs Act included a record amount of funding for Amtrak, the funding is directed to be used primarily for infrastructure, equipment, and expanded rail service. Amtrak must still come to Congress annually to secure adequate funding for its operations. Consistently reliable operating funds are critical if Amtrak is going further expand and enhance the country's passenger rail network. Accordingly, I believe Congress should continue to look for ways to establish a dedicated source of funding to fully support the growing operational needs of Amtrak.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO  
ROBERT E. PRIMUS

*Question 1.* If confirmed to a new term as a member of the STB, what will be your key priorities?

Answer. My key priority is to help to resolve the current service issues that are plaguing the rail network. The Board is currently requiring BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company, and Union Pacific Railroad Company to submit weekly, biweekly, and monthly information and data to the Board in order to track their recovery. To me another important aspect of improving rail service is improving the communications between the railroads and shippers. I have learned how important it is to shippers to have early and clear communication from the railroads in order to plan for any changes in rail service.

*Question 2.* Conducting cost-benefit analyses for proposed regulations has been a practice undertaken by agencies under both Democrat and Republican Administrations.

- Please explain your views on the use of cost-benefit analysis when considering proposed regulations. Should all STB regulations be considered with a cost-benefit analysis?
- If a regulatory cost outweighs the benefit, should that be a determining factor that prevents the STB from moving forward with the regulation?

Answer. I believe that agencies, whether through formal rules or otherwise, should always consider both benefits of proposed rules as well as the associated costs, and that costs should always be an important consideration when determining whether a rule should be adopted. As a Board Member, I understand that the potential effects of Board decisions could result in costs to certain stakeholders while resulting in benefits to others, and often these costs and benefits can be hard to measure or quantify. What is important to me is to use a balanced approach when regulating the industry and consideration of the costs and benefits is important.

*Question 3.* When the Board considered major regulatory proposals, please explain your approach to deciding such a matter.

Answer. Regulatory proposals can assist our stakeholders in their operational planning by letting them know what is expected of them in their day-to-day operation. My approach is to study the situation; determine whether I see a major problem that the Board should address; if so, listen to the interested parties who are dealing with the problem on the ground; and decide whether that problem can best be fixed by market forces, government intervention, or an appropriate mix of both. It is important to me that we hear from a broad range of stakeholders in order to allow the Board the opportunity to develop a full record. I am guided by the principles set forth the Rail Transportation Policy codified at 49 U.S.C. § 10101.

*Question 4.* When considering regulatory proposals, should the STB prioritize policies that allow market participants to freely compete without STB action? Or is the market more successful when the STB actively guides the market through regulatory action?

Answer. In my regulatory approach, I of course follow the specific statutory directives set out in the Staggers Act and the ICC Termination Act. But in carrying out those directives, I am guided by the Rail Transportation Policy of 49 U.S.C. § 10101. That policy favors market forces over Federal intervention “to the maximum extent possible,” but it also directs regulatory intervention in situations where there is an absence of effective competition. I carefully analyze each situation with which I am faced to determine whether there is sufficient competition to warrant a hands-off approach.

*Question 5.* I would like to learn more about your views on the use of the STB’s rulemaking power:

- Should the STB promulgate rules if the rulemaking power is not expressly granted by Congress?

Answer. When it is necessary to promulgate rules, I believe the Board should work within its statutory authority to address the matter at hand, as intended by Congress. In situations where there is no express authority for promulgating formal regulations, I am guided by the Rail Transportation Policy in 49 U.S. C. 10101.

- Can the STB use its rulemaking power to circumvent legal precedents with which it disagrees?

Answer. I do not believe the Board should make it a practice to use its rule-making power to depart from legal precedents with which it disagrees. Our reasoned body of agency case law, as well as other legal precedent, give industry and stakeholders understanding and certainty as they make plans for their businesses.

- Can the rules passed by the STB insulate market incumbents from competition?

Answer. The Rail Transportation Policy favors market forces over Federal intervention “to the maximum extent possible,” but it also directs regulatory intervention in situations where there is an absence of effective competition. I carefully analyze each situation with which I am faced to determine whether there is sufficient competition to warrant a hands-off approach.

*Question 6.* Should STB-sponsored private arbitration be encouraged over STB-directed dispute resolution? And what factors would guide your decision-making process in this regard?

Answer. The Board prefers that parties settle their disputes without intervention, but when the parties are not able to reach an agreement, I believe that the Board should act to facilitate an agreement in the most efficient way possible. Additionally, the Board’s Rail Customer and Public Assistance program provides an informal

venue for the private-sector resolution of shipper-railroad disputes, and also assists Board stakeholders seeking guidance in complying with Board decisions and regulations.

*Question 7.* The STB has long considered the issue of long-term railroad revenue adequacy, even considering proposals related to rate caps and revenue reductions based solely on a railroad earning returns on investment above its capital.

- Is it appropriate for the STB to impose rate caps or revenue reductions based solely on the railroad earning returns on investment above its capital? If so, why?
- Is imposing rate caps, price controls, or revenue reductions consistent with the deregulatory goals that Congress set forth in the Staggers Rail Act?
- Is there a negative relationship between the imposition of rate caps, price controls, or revenue reductions with railroad investments and innovation?

Answer. I believe the Board should act within its statutory authority to provide rate relief to qualified shippers. Under § 10101(6), the Board's policy is "to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital." The Board's regulatory approach is to ensure rates to captive shippers are consistent with those that would emerge were effective competition available, which I believe is consistent with the deregulatory goals set forth in the Staggers Rail Act. I do not believe there is a negative relationship between the effort to maintain such consistent rates with railroad investments and innovation.

*Question 8.* The STB is often tasked with making decisions or authorizing certain actions when it is determined that the action or decision is in the "public interest."

- What is the "public interest"? What criteria should be considered in determining the "public interest"?
- Are there any limits to the STB's determination of what constitutes "public interest"?
- Could a determination of what is or is not in the "public interest" be based on factors that are outside the jurisdiction of the STB?

Answer. The "public interest" is a broad, yet not limitless consideration in the Board's decisions. In certain parts of our statutory authority, the concept of "public interest" is defined. For example, with respect to abandonments of rail lines, the statute requires that the Board's assessment of the public convenience and necessity must consider whether the abandonment would have a serious, adverse impact on rural and community development. In other areas where public interest is not expressly defined, I adhere to the principles laid out in the Rail Transportation Policy.

*Question 9.* How do you reconcile or balance Amtrak's access to the freight rail network with the importance of a safe, efficient, and reliable freight rail service?

Answer. I believe that the network can support safe, efficient, and reliable freight service while also supporting the same for Amtrak. I will continue to encourage both sides to work together to accomplish the appropriate dialog, scheduling, and planning that will allow both to provide the service the network requires and deserves. Under 49 U.S.C. § 24308(c), Amtrak has the right to preference over freight traffic, and under the Passenger Rail Inv. & Improvement Act of 2008, Pub. L. No. 110-432, 122 Stat. 4848, the Board has the responsibility to adjudicate issues of on-time performance.

*Question 10.* The STB often conducts environmental reviews in proceedings, including the carrying out the requirements of the National Environmental Policy Act (NEPA).

- What are the bounds (if any) of the effects of a major Federal action that the STB should consider under NEPA?

Answer. When the STB conducts environmental reviews, it is bound by the NEPA statute, the CEQ implementing regulations, the STB's environmental regulations at 49 C.F.R. Part 1105, and the case law interpreting NEPA. These four elements define what effects the STB must examine under NEPA.

- Should the STB consider "reasonably foreseeable" effects that are outside the agency's jurisdiction and control? If so, why? And if not, why not?

Answer. As the STB recently explained in the Uinta Basin rail construction case (*Uinta*) (Docket No. FD 36284), under Supreme Court precedent, agencies are generally not required to examine environmental effects that result from actions that

are outside an agency's jurisdiction and control. See *Department of Transp. v. Public Citizen*, 541 U.S. 752 (2004) (*Public Citizen*).

However, agencies may examine other effects such as cumulative effects, which are effects of other past, present, and reasonably foreseeable future actions that may be outside the agencies' jurisdiction but affect the same resources as the action before an agency.

- Should the STB propose NEPA alternatives that are outside the agency's jurisdiction?

Answer. The purpose and need of the applicant often defines the scope of the alternatives that the Board considers in its environmental reviews. Therefore, the alternatives considered will typically be within the STB's jurisdiction.

- Is considering whether an effect is "reasonably foreseeable" analogous to considering "proximate cause" in tort law? Do you believe there is any difference between "proximate cause" and "reasonable foreseeability"?

Answer. Reasonable foreseeability is part of, and subsumed in, the proximate cause analysis. Proximate cause also takes into account other considerations such as the nature and length of the causal chain. In *Uinta*, the STB relied on the Supreme Court's decision in *Public Citizen*, finding that agencies are required to examine environmental effects only where there is a reasonably close causal relationship between the environmental effect and the alleged cause, analogous to the doctrine of proximate cause from tort law. See *Public Citizen*, 541 U.S. at 767 (citing *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1983)).

- NEPA uses the terms "environmental impacts" and "environmental effects," but it does not use the term "direct effect" or an "indirect effect" in the statute. How do you approach the decision on whether to consider "indirect" or "direct" effects in a decision before the STB?

Answer. Under the current CEQ regulations, agencies are required to look at both "direct" and "indirect" effects, as well as "cumulative" effects. The STB must comply with the applicable CEQ regulations in conducting its environmental reviews.

