

**NOMINATIONS
TO THE AMTRAK BOARD OF DIRECTORS**

HEARING

BEFORE THE

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

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 11, 2024

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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NOMINATIONS TO THE AMTRAK BOARD OF DIRECTORS

SEPTEMBER 11, 2024

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], Klobuchar, Markey, Peters, Baldwin, Tester, Luján, Hickenlooper, Warnock, Welch, Schmitt, Thune, Fischer, Moran, Blackburn, and Budd.

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

The CHAIR. Good morning. The Commerce Committee will come to order. Today, we are having a hearing for the nomination of Amtrak Board members. Before we begin, though, I want to acknowledge the solemn anniversary of the September 11th attacks. Yesterday, President Biden issued a White House Proclamation declaring September 11, 2024, as Patriot Day, a national day of service and remembrance.

On this day, we remember the innocent victims our Nation lost now 23 years ago. The Commerce Committee is here to meet to consider four of the President's nominees for Amtrak's Board of Directors.

Amtrak is in the midst of one of the most significant transformations since it was founded over 50 years ago thanks to the bipartisan infrastructure law. While President Biden may be the company's most high profile supporter, I want to acknowledge members on both sides of the aisle here who continue to work on supporting Amtrak, holding the company accountable and ensuring our constituents get the services they deserve.

The company is working to improve and grow its services. This year, ridership is on track to exceed pre-COVID levels, and so far this year it has returned the Northeast Corridor to operating in the black, making more in ticket sales than it costs to operate, and the company's service options are also growing.

At the end of last year, the Amtrak added two round trips to the Cascades service between Seattle and Portland and made the Amtrak Borealis a new state-supported route, began service between Chicago and Saint Paul.

And just last week, DOT announced Amtrak would receive a \$64 million fund to advance high speed rail projects between Dallas

and Houston. That is just one of the 69 new passenger rail borders in 44 states that the Federal Railroad Administration is working to develop in coordination with Amtrak.

But despite these successes, challenges remain. In the wake of the DuPont derailment in the State of Washington, I worked to require FRA to conduct an in-depth safety assessment of Amtrak. In 2022, FRA found 30 areas where Amtrak could improve. And while Amtrak has work to complete 13 of those recommendations, more work needs to be done.

The company also needs to significantly quicken its pace to become compliant with the Americans With Disabilities Act, as documented by the Amtrak Inspector General report. I want to thank my colleague, Senator Duckworth, for her work on that issue.

This is the role of the Amtrak Board, to ensure that Amtrak is meeting the needs of American's transportation system and using taxpayer dollars wisely. Whether it is wise and effective infrastructure investment and ensuring that safety remains the top priority, it is the job of these Board members to make sure these issues are addressed.

I especially want to thank my colleague, Senator Tester, for leading the fight to ensure that the Biden Administration nominated individuals from the West. Thanks to his efforts, the nominees here today and the most recent nominee announced this week bring a broad geographic representation that is much needed.

Shortly, we will hear from the four President's nominees from the Amtrak Board of Directors. David Capozzi of Maryland. Am I saying that right, Capozzi? Who has dedicated his career to advocating for people with disabilities, including veterans. And as I mentioned, Senator Duckworth fought so hard on this in the infrastructure bill.

Samuel Lathem of Delaware, who was a local labor leader and has extensive experience serving on public boards. Thank you. And Ron Batory. Is that right, Mr. Batory? Of Santa Fe, New Mexico, who has had a long career in private rail industry, including serving as the head of the FRA Administration under President Trump.

And Elaine Clegg, who is from Boise, Idaho, who spent over 20 years of public service in local government, including current role as Executive Director of the Valley Regional Transit, which serves 650,000 people.

So I look forward to hearing from all of you and your priorities, should you be confirmed, on ways to improve Amtrak and hold the agency organization accountable. Now, I want to turn to Ranking Member Schmitt who is filling in today for Senator Cruz. Thank you, Senator Schmitt.

**STATEMENT OF HON. ERIC SCHMITT,
U.S. SENATOR FROM MISSOURI**

Senator SCHMITT. Thank you, Chair Cantwell. I want to thank the nominees for being here today. We are here to consider four nominees to Amtrak's Board of Directors. I am particularly grateful to Mr. Batory for his willingness to be a member of the Amtrak Board. With over 45 years of experience in the railroad industry, he would be a very valuable addition to the Board.

Mr. Batory was the Administrator of the Federal Railway Administration during the final push to implement the railroad safety system known as Positive Train Control, or PTC, which can help prevent a derailment or other incidents from overspeed.

When Mr. Batory came to FRA in 2018, only one-quarter of passenger rail route miles had fully implemented PTC. By the time he left the agency, Mr. Batory had gotten PTC compliance to 100 percent. He held hundreds of meetings with railroads and suppliers to make sure that every railroad met the deadline by the end of 2020.

Mr. Batory is a proven leader who will bring a deep knowledge of railroading to the Amtrak Board. I will turn briefly to three issues that Republicans have raised previously. First, the Republican Board must fairly represent the interests of all Americans. Federal law allows no more than four of the Board's eight members to be from states along the Northeast Corridor.

Last year, several Republican committee members noted that the Biden-Harris Administration had nominated too few Amtrak Board nominees from the Northeast—or too many, I should say, from the Northeast.

The White House finally publicly committed to correcting this illegal and improper geographic imbalance. While I think there is more work to be done to include representation from areas such as the Midwest, where I hail from, I know several members of this committee are glad the White House has paid more attention to the law this time around.

Second, the Amtrak Board must be more transparent and reasonable in its award of bonuses. Amtrak paid \$75 million in bonuses last Fiscal Year, when the company received over \$11 billion in Federal funding awards and posted a net loss of \$1.75 billion.

After learning of this, Senators Fischer and Cruz wrote to Chairman Casa—I am sorry, Coscia, to demand more accountability. Americans back home may find it shocking to know that 14 Amtrak executives got bonuses in excess of \$200,000 after nearly a \$2 billion loss. Amtrak promptly committed to publicly posting bonuses following this letter.

But the Government's passenger railroad must achieve better financial metrics and make more responsible use of taxpayer subsidies. I hope each of the nominees here today are willing to closely scrutinize future bonuses, particularly large sums for senior executives when Amtrak's financial performance has been poor.

The third issue I want to raise to discuss is the spectacularly expensive Gateway Program between Newark and New York City that Amtrak is involved in. Gateway includes the Hudson Tunnel Project, which has now been awarded Federal funding to cover roughly three-quarters of its staggering cost of more than \$15 billion.

The Gateway Program cannot continue to balloon in cost. The \$37 billion estimated total must not become \$50 billion or \$60 billion. Having an Amtrak Board of Directors that provides effective oversight and demands accountability is more important than ever.

I am eager to hear about the qualifications and vision that Mr. Batory, Mr. Capuzzi—Capozzi? All right. Thank you—sorry. Ms. Clegg and Mr. Lathem have for responsibly managing our country's national passenger railroad.

Amtrak faces many difficult challenges ahead, including some of which I just described, and it is going to take skilled, experienced leadership on the Board to address those challenges. Thank you, Madam Chair.

The CHAIR. Thank you, Senator Schmidt. Mr. Capozzi, we will start with you. Again, thank you to all the nominees for your willingness to serve.

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

Mr. CAPOZZI. Thank you. Thank you, Chair Cantwell, Senator Schmitt. I am honored to be here today as a nominee for Amtrak's Board of Directors. I am joined here with my wife, Patti, and last month, we celebrated our 40th wedding anniversary. So, congratulations to Patti.

If confirmed, I will be the first person to fulfill the requirement in the Infrastructure Investment and Jobs Act that Amtrak's Board include at least one person with a disability who has a demonstrated history of, or experience with accessibility in passenger rail. I am the right person for that job.

For over 35 years, I have worked to make transportation more accessible for people with disabilities. I was a member of the legal team for the disability community that helped craft the Americans With Disabilities Act.

I testified in support of its passage before a House committee, and following the ADA's enactment, I chaired the Department of Transportation's Advisory Committee that provided recommendations for DOT's proposed ADA regulations.

From 2008 until I retired from the Federal Government in 2020, I served as Executive Director of the U.S. Access Board, the Federal agency whose mission is accessibility for people with disabilities. There, I led the development of guidelines and standards to implement the ADA and other Federal laws relating to accessibility.

This included updating the requirements that apply to rapid light commuter intercity and high speed rail systems. I will bring my many years of experience to the Amtrak Board, both in Federal Government service and with nonprofit organizations, in addressing rail and other public transportation accessibility issues.

I will also bring my commitment to ensure that Amtrak makes accessibility one of its highest priorities. Now, thanks to the Administration and Congress, there are unprecedented levels of funding for Amtrak, providing the opportunity to advance the vision of an expanded, improved, and accessible intercity passenger rail network.

I am particularly excited to be nominated to Amtrak's Board at this time and to support Amtrak's efforts to fulfill its ADA obligations. But today, only about a third of the nearly 400 stations for which Amtrak has or shares ADA responsibility meet the law's requirements. As part of a 2020 settlement with the Department of Justice, Amtrak made commitments to bring these stations into compliance with the law.

As a member of Amtrak's Board, one of my areas of focus will be in providing leadership and attention in fulfilling Amtrak's obli-

gations under the ADA and the DOJ settlement agreement. Of particular importance is ensuring that the new long distance equipment Amtrak plans to order within the next year meets or exceeds the ADA's requirements.

Since passenger 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.

I intend to work to ensure that happens. As an advocate for the disability community and later in my Federal Government service, I have spent my career helping to develop the accessibility laws, regulations, and guidelines that apply to Amtrak.

Serving on its Board will enable me to oversee the implementation of those policies and help ensure that people with disabilities can travel without obstacles wherever they want to go by Amtrak.

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

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

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

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

From 1985 to 1989, I served as Associate Advocacy Director and National Advocacy Director for the Paralyzed Veterans of America. Subsequently, I spent three years as Vice President of Advocacy for Easterseals. There, 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 I retired from the Federal government 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 relating to disability. This included updating the accessibility guidelines that apply to commuter, intercity, and high-speed rail systems.

I will bring to the Amtrak Board my many years of experience, both outside of and within the Federal government, in accessibility issues involving rail and other public transportation. I will also bring my passion for ensuring that Amtrak makes accessibility one of its highest priorities, and the positive relationships I have developed with a wide range of groups representing the transit and disability communities.

The IIJA provides unprecedented levels of funding for Amtrak and intercity passenger rail. It gives Amtrak and its stakeholders the opportunity to advance the vision of an expanded and improved—and accessible—intercity passenger rail network. Because I have long shared that vision, I am particularly excited to be nominated to Amtrak's Board at this time, and to support its efforts to achieve those objectives and fulfill its ADA obligations.

Today, only about a third of the nearly 400 stations for which Amtrak has or shares ADA responsibility comply with the ADA. As part of a 2020 settlement with the Department of Justice, Amtrak made commitments to bring these stations into compliance. 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.

Of particular importance is ensuring that the new long-distance equipment Amtrak plans to order within the next year meets and exceeds the requirements of the ADA. 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. I intend to ensure that happens.

As an advocate for the disability community and later in my Federal government service, I have spent my career helping to develop the accessibility laws, regulations, and guidelines that apply to Amtrak. Serving on Amtrak's Board of Directors would enable me to oversee their implementation, and to help ensure that individuals with disabilities can travel without obstacles wherever they want to go by Amtrak. I welcome that opportunity.

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.

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 (original date of nomination).
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: 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 (retired); David Matthew Capozzi—31; Megan Marie Capozzi—28; Margaret Ann Capozzi—28; Michael Elias Capozzi—28.

7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.

Tennessee Technological University

September 1976–December 1976

(No degree; stopped attending after car accident on January 2, 1977 that resulted in my spinal cord injury; spent 7 months in hospitals)

State University of New York at Buffalo

September 1978–May 1982

Bachelor of Arts—May 1982

State University of New York at Buffalo Law School

September 1982–May 1985

Juris Doctor—May 1985

8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Paralyzed Veterans of America

Associate Advocacy Director

June 1985–June 1987

Paralyzed Veterans of America

National Advocacy Director

June 1987–July 1989

National Easter Seal Society

Vice President for Advocacy and Director of Project ACTION

July 1989–April 1992

U.S. Access Board
 Director, Technical and Information Services
 April 1992–November 2008
 U.S. Access Board
 Executive Director
 November 2008–June 2020

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 after 18 years of age.
 - Mayor's Advisory Council—Project for Community Handicapped Integration Program, Advisory Council Member, Buffalo, NY, January 1981–April 1982
 - Montgomery County Commission for People with Disabilities, Commission Member, Rockville, MD, August 1989–June 1991
 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.
 - Board of Directors, United Spinal Association, New York, NY, July 2020 to present
 - Advisory Committee Member, Mobility Fitness, Atherton, CA, July 2020 to present
 - Accessibility Professionals in the Built Environments Task Force Member, International Association of Accessibility Professionals, Atlanta, GA, July 2020 to present
 - Program Committee Member, Access Living, Chicago, IL, September 2020 to present
 - Advisory Council Morhic (making personal computers easier to use for everyone, including those with disabilities), College Park, MD, June 2021 to present
 - Biden-Harris Policy Volunteer. August–October 2020
 12. Please list each membership you have had after 18 years of age 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.
 - The Disability Law Reporter Service, Prentice Hall Law & Business, Editorial Board Member, January 1991–January 1998
 - Maryland Commuter Rail Key Station Plan Committee, Member, September 1991–April 1992
 - Handicapped is Only a Word, Board Member, May 1992–May 1996
 - U.S. International Council on Disabilities, Board Member, October 2005–September 2008
 - National Spinal Cord Injury Association, a program of United Spinal Association, Member, June 2013 to present (in June 2020 I was elected to the Board of Directors of the United Spinal Association)
- None restricted 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. 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 \$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.

- 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, May 1982
- Phi Beta Kappa, May 1982
- Alpha Lambda Delta National Honor Society, May 1982
- Psychology Departmental Honors, May 1982

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

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. (*website*)

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 Kraków, 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 speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

Senate Committee on Health, Education, Labor and Pensions, *The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities*, November 17, 2011

Accessibility for All: The Impact of ADA on Transportation Decision Making, DOT Civil Rights Conference, September 26, 2012

International Summit on Accessibility, Ottawa, Canada, *Accelerating Progress Through Global Standards, Systems, and Tools*, July 14, 2014

Significance of Standardization and Antidiscrimination Actions Based on American Experience, Kraków, Poland, September 14, 2017

Shaping the EU Agenda for Disability Rights 2020–2030—U.S. Experiences with Accessible Public Transportation, Video Conference, February 26, 2020

United Spinal Association Celebrates the *30th Anniversary of the Americans with Disabilities Act*, Video Conference, July 15, 2020

Access Alliance Webinar, *Lessons from International Disability Advocates for New Zealand*, February 21, 2022

Disability Access and Inclusion Program, Addis Ababa, Ethiopia (virtual presentation), July 26, 2022, (no link available; presentation attached)

Accessibility of Information and Services, NDA Annual Conference 2022, Dublin, Ireland (virtual presentation), October 20, 2022

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

United Spinal Updates, Fulfilling the Promise of the ADA: Making Our Railways More Accessible, July 22, 2022, ([link](#))

National Public Radio, The ADA was a victory for the disabled community, but we need more. My life shows why, July 29, 2022, ([link](#))

Testimony of Mr. David Capozzi, Nominee to the Amtrak Board of Directors, United States Senate Commerce, Science and Transportation Committee, Hearing on Nominations, September 7, 2022, ([link](#))

20. 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 full name of an “alias” or “handle”, including the complete URL and username with hyperlinks, 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>

21. 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.

- House Committee on Small Business, Subcommittee on General Oversight and the Economy, “Testimony Regarding Small Business Administration Programs for Veterans,” May 7, 1986.
- 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.
- President’s Task Force on Adoption, “Adoption and People with Disabilities,” November 16, 1987.
- Senate Committee on Banking, Housing and Urban Affairs, Subcommittee on Housing and Urban Affairs, “Need for a Comprehensive National Housing Policy,” April 14, 1988.
- House Committee on Appropriations, Subcommittee on Transportation, “Fiscal Year 1990 Appropriations for the Department of Transportation and Related Agencies,” April 19, 1989.
- House Committee on Public Works and Transportation, Subcommittee on Surface Transportation, “The Americans with Disabilities Act,” September 20, 1989.
- Senate Committee on Banking, Housing and Urban Affairs, Subcommittee on Housing and Urban Affairs, “Reauthorization of the Urban Mass Transportation Act,” April 18, 1991.
- House Committee on Appropriations, Subcommittee on Transportation, “Fiscal Year 1994 Appropriations for the Architectural and Transportation Barriers Compliance Board,” April 19, 1993.
- House Committee on Appropriations, Subcommittee on Transportation, “Fiscal Year 1995 Appropriations for the Architectural and Transportation Barriers Compliance Board,” March 1, 1994.
- 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.

- Senate Committee on Health, Education, Labor and Pensions, The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities, November 17, 2011.
- Senate Committee on Commerce, Science and Transportation, Hearing on Nomination to the Amtrak Board of Directors, September 7, 2022.

22. 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?

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.)

23. 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.

24. 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, such as a 401(k) or pension plan.

I have received monthly social security payments and pension payments from my Federal service since July 2020. 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.

ion 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, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

No.

- a. Provide the name of court, 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.

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.pacermonitor.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 whistleblowers 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

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 percent 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

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.

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

VOULNTEER ACTIVITIES

Advisory Board Member, European Accessibility Resource Centre, Madrid, Spain, December 2022–Present.

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, Mr. Capozzi. And thank you for that. And very important work on Americans With Disabilities. Mr. Lathem, welcome. We look forward to your testimony.

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

Mr. LATHEM. Good morning. This is the day that the Lord has made, we will rejoice and be glad in it. Chair Cantwell, Senator Schmitt, other members of the Committee, my name is Samuel E. Lathem, and I appreciate the opportunity to appear before you today. I began working at the Chrysler plant in North Delaware in 1965 and retired from it 39 years later.

I served in numerous union leadership positions as a member to the United Auto Workers, and as President of the Delaware State AFL–CIO, 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 Government created entities.

Since 2001, I have been a commissioner with the Della River Valley Authority, or to DRVA, which operates the Delaware Memorial Bridge, three airports, and the Cape May Lewes Ferry, which is a great ride if you get an opportunity. I currently serve as the DRVA’s Chair. I am also a former Board member of the Diamond State Port Corporation, which operates the Port of Wilmington.

Like Amtrak, the DRVA and Diamond State have a public mission but earn much of their revenue from providing transportation-

related services to customers. The Cape May Lewes Ferry carries about 700,000 passengers a year and is an essential service for many of its passengers.

My experience with public transportation through the ferry is one of the reasons I am interested in serving on the Amtrak's Board. I have also served on the Boards of many charitable and educational labor and citizen organizations, including Junior Achievement, the Metropolitan Well-Being Urban League, The United Way of Delaware, and 4-H Foundation Committee.

I formerly chaired the Delaware Advisory Council on Career and Vocational Education. I also serve as an Associate Minister at Cornerstone Fellowship Baptist Church in Wilmington. Before going to work in the auto industry, I served in the Army from 1963 to 1965 at Fort Hood in Texas, First Armored Division.

I received a Delaware Distinguished Medal from the State of Delaware, Department of Military Affairs Office of the Adjutant General. I know firsthand how important Amtrak is to travelers, businesses, and to the community it serves in which employees work and live.

I spent my working career in an automobile plant. Located next to it was served by freight trains operated over Amtrak's Northeast Corridor. I live in Bear, Delaware where one of Amtrak's three major equipment maintenance facilities are located.

As a lifelong resident of Delaware, a predominantly rural state outside of the Wilmington area, who has been involved with and led Statewide organizations, I appreciate the importance of Amtrak and other public transportation services to rural communities. I have worked on both sides of the labor management issues as a union official and a Board member of organizations with agreement covered workforces.

I know how to work with people with different views and perspectives, and the importance of seeking a compromise that produces a win-win for both sides. I believe my experience in vocational education and training will be particularly useful at a time when Amtrak has been hiring large numbers of new workers to work out major construction projects funded by the Infrastructure Investment and Jobs Act.

I recognize how important it is for Amtrak to work with labor unions to provide good jobs, working conditions, and training for both its experienced and new employees. Thank you for your time, and if confirmed, I look forward to serving on Amtrak's Board.

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

PREPARED STATEMENT OF SAMUEL LATHEN, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS

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

I began working at the Chrysler Plant in Newark, Delaware in 1965 and retired from it 39 years later. I served in numerous union leadership positions as a member of the United Auto Workers (UAW), and as President of the Delaware State AFL-CIO. 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 government-created entities. Since 2001, I have been a Commissioner of the Delaware River Bay Authority, or

DRBA, which operates the Delaware Memorial Bridge, three airports, and the Cape May-Lewes Ferry. I currently serve as DRBA's Chair. I am also a former Board member of the Diamond State Port Corporation, which operates the Port of Wilmington.

Like Amtrak, DRBA and Diamond State have a public mission but earn much of their revenue from providing transportation-related services to customers. The Cape May-Lewes Ferry carries over 700,000 passengers a year and is an essential service for many of its passengers. My experience with public transportation through the Ferry is one of the reasons I am interested in serving on Amtrak's Board.

I have also served on the Boards of many charitable, educational, labor, and citizen organizations, including 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 also serve as Associate Minister at Cornerstone Fellowship Baptist Church in Wilmington. Before going to work in the automobile industry, I served in the Army from 1963 to 1965 at Fort Hood in the Texas 1st Armored Division. I received the Delaware Distinguished Medal from the State of Delaware Department of Military Affairs Office of the Adjutant General.

I know firsthand how important Amtrak is to travelers, businesses, and to the communities it serves and in which its employees work and live. I spent my working career in an automobile plant located next to, and served by freight trains operating over, Amtrak's Northeast Corridor. I live in Bear, Delaware, where one of Amtrak's three major equipment maintenance facilities is located. As a lifelong resident of Delaware, a predominantly rural state outside of the Wilmington area, who has been involved with and led statewide organizations, I appreciate the importance of Amtrak and other public transportation services to rural communities.

I have worked on both sides of labor-management issues as a union official and a Board member of organizations with agreement-covered workforces. I know 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 will be particularly useful at a time when Amtrak has been hiring large numbers of new workers to carry out major construction projects funded by the Infrastructure Investment and Jobs Act. I recognize how important it is for Amtrak to work with its labor unions to provide good jobs, working conditions and training for both its experienced and new employees.

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

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 schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree. None.
8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Various positions at the Chrysler Plant in Newark, Delaware (1965–2004)
 Administrator of the UAW-Chrysler Training Center (1990–2004)
 International Representative of the UAW (1999–2004)
 President of the Delaware AFL–CIO (2005–2015)

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 after 18 years of age.

Member, Interagency Council on Literacy

Member, Board of Directors for the Diamond State Port Corporation (Port of Wilmington)

Member, Delaware Workforce Investment Board

Chairman of Delaware Advisory Council on Career and Vocational Education Chair (and formerly Vice Chair) of 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.

Member, 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 after 18 years of age 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. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available. None.

18. List all speeches, panel discussions, and presentations (e.g., PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available. None.

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available. None.

20. 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 full name of an “alias” or “handle”, including the complete URL and username with hyperlinks, 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.

21. 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 September 7, 2022, I testified before this Committee in connection with my prior nomination to the Amtrak Board of Directors.

22. 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 the 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.

23. 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 in leadership positions on multiples boards, including as Chairman of the Board of Directors of 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.

24. 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, such as a 401(k) or pension plan.

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, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

No

a. Provide the name of court, agency, association, committee, or group;

N/A

b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;

N/A

c. Describe the citation, disciplinary action, complaint, or personnel action;

N/A

d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

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.

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 whistleblowers 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.

RÉSUMÉ OF SAMUEL ELIJAH LATHEM

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 11th 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, 6th Artillery, 1st Armed Division. Promoted to GE4, wheel track mechanic. He was honorably discharged in 1965, U.S. 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. And thank you for your service to the country. Mr. Batory, welcome. Look forward to your comments.

**STATEMENT OF RONALD BATORY, NOMINEE TO BE A
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Mr. BATORY. Good morning, Chair Cantwell, Ranking Member Cruz, and distinguished members of the Committee.

The CHAIR. Mr. Batory, could you just pull the microphone a little closer to you? Yes, thank you.

Mr. BATORY. Is this a little better?

The CHAIR. Yes.

Mr. BATORY. There we go. Good morning, Chair Cantwell, Ranking Member Cruz, and distinguished members of the Committee. Thank you for the opportunity to appear before you this morning as a nominee for the Amtrak Board of Directors.

I am a second generation railroader. My father worked for the New York Central Railroad System and later in his career was a full-time union official. After graduating from college in 1971, my first job was an hourly employee with the Detroit, Toledo and Iron-
ton Railroad.

I spent the next 46 years in a variety of railroad positions, nearly all of which were focused on operations. In 1994, I became President of the Belt Railway company Chicago, the largest switching and terminal railroad in the United States, whose services and facilities are used by all the Class I railroads serving Chicago.

From 2004 until 2017, I served as President of Conrail, a jointly owned subsidiary of Norfolk Southern Corporation and CSX. Conrail provides local freight operations and switching on behalf of those two railroads in the Philadelphia area, Northern New Jersey, including along Amtrak's Northeast Corridor and in the Detroit, Michigan area.

I was preparing to retire from the railroad industry to move to my current home in Santa Fe, New Mexico, and I decided to apply to be Administrator of the Federal Railroad Administration. At that time, I assumed the position February 2018 following a Senate confirmation. FRA and the railroad industry faced an enormous challenge.

The final deadline for implementation of the statutory requirement to install positive train control, or PTC, in nearly 58,000 miles of track to reduce the risk of accidents was less than 3 years away and it appeared that many railroads would miss the deadline.

I took immediate action to ensure that that did not happen, including redeploying FRA staffing resources, providing additional technical assistance to railroads, and issuing public quarterly infographics tracking of each railroad's progress.

I am gratified to report that as of December 29, 2020, 2 days before the statutory deadline, all 41 railroads responsible for implementing PTC was done so on every mile of track on which it was required.

Among the other important FRA accomplishments during my tenure was the issuance of a final rule long delayed by litigation followed by a previous FRA rulemaking that established metrics and minimum standards for all intercity passenger rail service.

These metrics and standards are used to measure Amtrak's performance, including customer satisfaction, on time performance, and the extent to which Amtrak is serving communities that are not well served or served at all by other public transportation modes of which are long distance routes.

In addition to my railroad operations experience, one of the things I brought to the FRA role of as Administrator would bring the Amtrak Board in many decades of experience dealing with all railroads stakeholder groups, including freight, commuter railroads, rail labor, and Federal, State, and local officials. I believe in maintaining respectful relationships, and I recognize that collaboration is essential in everything the railroad industry does.

I consider myself to be a fact-based leader who is emphatic and willing to listen and learn from others. Safety has always been and will continue to be my highest priority. The opportunity to make railroads safer is one of the main reasons I sought the FRA Administrator job.

As an Amtrak Board member, I would ensure the company's leadership is focused on safety and prioritizing it when allocating limited funding. I am very grateful for the opportunities the railroad industry has given me and to the many people I work with who taught me everything I know about railroading.

I welcome the chance to continue to contribute to the industry. Thank you, Madam Chair, and I now look forward to answering the Committee's questions.

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

PREPARED STATEMENT OF RONALD BATORY, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS

Chair Cantwell, Ranking Member Cruz and distinguished members of the committee: Thank you for the opportunity to appear before you this morning as a nominee for Amtrak's Board of Directors.

I am a second-generation railroader. My father worked for the New York Central Railroad and later in his career was a full-time union official. After graduating from college in 1971, my first job was as an hourly employee with the Detroit, Toledo and Ironton Railroad. I spent the next 46 years in a variety of railroad positions, nearly all of which were focused on operations.

In 1994, I became the president of The Belt Railway Company of Chicago, the largest switching and terminal railroad in the United States whose services and facilities are used by all of the Class I railroads serving Chicago. From 2004 until 2017, I served as president of Conrail, a jointly-owned subsidiary of Norfolk Southern and CSX. Conrail provides local freight train operations and switching on behalf of those two railroads in the Philadelphia area and northern New Jersey, including along Amtrak's Northeast Corridor, and in the Detroit, Michigan area.

As I was preparing to retire from the railroad industry and move to my current home in Santa Fe, New Mexico, I decided to apply to be Administrator of the Federal Railroad Administration. At the time I assumed that position in February of 2018 following Senate confirmation, FRA and the railroad industry faced an enormous challenge. The final deadline for implementation of the statutory requirement to install positive train control, or PTC, on nearly 58,000 miles of track to reduce the risk of accidents was less than three years away, and it appeared that many railroads would miss that deadline. I took immediate actions to ensure that did not happen, including redeploying FRA staffing resources, providing additional technical assistance to railroads, and issuing public quarterly infographics tracking each railroad's progress. I am gratified to report that as of December 29, 2020, two days before the statutory deadline, all 41 railroads responsible for implementing PTC had done so on every mile of track on which it was required.

Among the other important FRA accomplishments during my tenure was the issuance of a final rule, long delayed by litigation following a previous FRA rule-

making, that established metrics and minimum standards for intercity passenger rail service. These metrics and standards are used to measure Amtrak's performance, including customer satisfaction, on-time performance and the extent to which Amtrak is serving communities that are not well served or served at all by other public transportation modes, most of which are along long-distance routes.

In addition to my railroad operations experience, one of the things I brought to the role of FRA Administrator and would bring to the Amtrak Board is many decades of experience dealing with all railroad stakeholder groups, including freight and commuter railroads; rail labor; and federal, state and local officials. I believe in maintaining respectful relationships, and I recognize that collaboration is essential in everything the railroad industry does. I consider myself to be a fact-based leader who is empathetic and willing to listen and learn from others.

Safety has always been and will continue to be my highest priority. The opportunity to make railroads safer is one of the main reasons I sought the FRA Administrator job. As an Amtrak Board member, I would ensure that the company's leadership is focused on safety and prioritizing it when allocating limited funding.

I am very grateful for the opportunities the railroad industry has given me, and to the many people I worked with who taught me everything I know about railroading. I welcome the chance to continue to contribute to the industry.

Thank you, Madame Chair. I now look forward to answering the Committee's questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Ronald Louis Batory.
2. Position to which nominated: Board of Director, Amtrak.
3. Date of Nomination: May 2, 2024.
4. Address (List current place of residence and office addresses):

Residence: Information not provided to the public.

Office: Information not provided.

5. Date and Place of Birth: January 25, 1950; Detroit.

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).

Barbara Ellen Batory, retired; Erin Faye Budisak, daughter, 44.

7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.

Adrian College, 1967–1971, Bachelor of Arts, 1971,
Eastern Michigan University, 1973–1975, Master of Arts, 1975.

8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Forty-six consecutive years of non-interrupted employment in the railroad industry, as set forth in the detailed résumé provided in question #9.

9. Attach a copy of your résumé. Attached (career résumé)

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age.

Senate confirmed appointee, Administrator, Federal Railroad Administration, U.S. DOT, 2018–2020

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.

Trustee: Adrian College, J.W. Barriger National Railroad Library—UMSL, Kansas City Southern Railroad, Iowa Northern Railroad; Director: American Association of Railroad Superintendents, University of Denver—Transportation Institute, American Shortline & Regional Railroad Association, Center for Railroad Photography & Art, East Broad Top Railroad, Arkansas & Missouri Railroad, Hanson Professional Services, Inc.; Advisory: Historic Pullman Foundation, Anacostia Rail Holdings, R.J. Corman Railroad Group, RailPulse, Herzog,

Michigan State University—Eli Broad College of Business—Center for Railway Research & Education, CSX.

12. Please list each membership you have had after 18 years of age 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.

Fairlane Club (1976–2000), Union League Club of Chicago (1987 to present), Laurel Creek Country Club (1999–2016), Las Campanas Country Club (2014 to present), The Lexington Group in Transportation History (1995 to present), American Association of Railroad Superintendents (1981 to present, former officer), Railway Tie Association (1976 to present), American Railway Engineering & Maintenance of Way Association (1975 to present), American Short Line & Regional Railroad Association (1995–2017, former officer), International Association of Railway Operating Officers (1976 to present), Midwest High Speed Rail Association (2005 to present), National Association of Railroad Passengers (1987 to present); Center for Railroad Photography & Art (2021 to present), Historical Pullman Foundation (2021 to present), The Railway & Locomotive Historical Society (1990 to present). None of the listed entities restricts membership.

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. None.

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. None.

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

LinkedIn (Professional) Five (5) posts railway related (positive recognition). Nothing else except those associated with my FRA tenure and I did not retain record of same.

18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

Remarks of FRA Administrator Ronald L. Batory before the Association of State Rail Safety Managers

Prepared Remarks for Administrator Ronald L. Batory before the American Public Transportation Association Rail Conference

As Prepared Remarks of Ronald L. Batory Swearing-In Ceremony as the 14th Administrator of the Federal Railroad Administration

It is possible there were other presentations but I do not have a record of any others.

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

Remarks of FRA Administrator Ronald L. Batory to before the Association of State Rail Safety Managers <https://railroads.dot.gov/newsroom/speeches/remarks-fra-administrator-ronald-l-batory-association-state-rail-safety-managers>

Prepared Remarks for Administrator Ronald L. Batory before the American Public Transportation Association Rail Conference <https://railroads.dot.gov/speeches/prepared-remarks-administrator-ronald-l-batory-american-public-transportation-association>

As Prepared Remarks of Ronald L. Batory Swearing-In Ceremony as the 14th Administrator of the Federal Railroad Administration <https://railroads.dot.gov/speeches/prepared-remarks-ronald-l-batory-swearing-ceremony-14th-administrator-federal-railroad>

It is possible there were other public statements but I do not have a record of any others.

20. 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 full name of an “alias” or “handle”, including the complete URL and username with hyperlinks, 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—active. Link to profile <https://www.linkedin.com/in/honorable-ronald-l-batory-276926121/>

21. 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.

I do not have records or recall details, but I believe I testified two or three times before the Senate Committee on Commerce, Science and Transportation; and one or two times before the House Transportation and Infrastructure Subcommittee.

22. 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?

Vast business experiences accumulated over 50+ years. Brings integrity, leadership experience and a commitment to Amtrak.

23. 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?

Monitor business controls and functions. Ensure bylaws are fulfilled in governing the business. Mentor, evaluate and challenge management, as related to the mission statement of the enterprise and objectives set forth by Congress. (1) Executing a consistent tactical plan with the least amount of variability. This will strengthen safety, breed capacity and foster efficiency. (2) Develop a realistic strategic plan that can be delivered with practicality while being favored with a sense of urgency. This will harden and improve justified changes to the national intercity rail passenger network and heighten the credibility of the enterprise. (3) Emphasizing the importance of spending money wisely and not letting opinion overshadow facts. Holding senior management leadership to their accountable responsibilities will favor the outcomes of change while benefiting the corporate culture.

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

1. Fulfill all legislative requirements as directed to Amtrak. Accomplishment will further strengthen the credibility of the national rail passenger carrier going forward when new initiatives and objectives are being sought by Congress.
2. Continually demonstrate a leadership role towards safety and environmental stewardship in the transport sector. Sustainable accomplishment is of utmost importance as it relates to all people and communities associated with Amtrak's national presence.
3. Expansion of organization and its ongoing transformation in recognition of the added role of responsibilities and accountabilities being bestowed on Amtrak in the primary areas of capital investment and network expansion. This challenge will continue into the foreseeable future and will become precedent setting for Amtrak reputation. Readily recognizing lessons learned and adoption of best practices are key ingredients towards developing a nimble and maturing organization capable of delivering responsible actions in conjunction to its mission.

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, such as a 401(k) or pension plan.

Defined benefit plan associated with former employment with Grand Trunk Western Railroad and Conrail and administered by Northern Trust.

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 expect to continue my roles with the following entities, all of which are disclosed on my Form 450: Anacostia Rail Holdings, RJ Corman, Michigan State University, Hanson Professional Services, Herzog Railroad Services, Arkansas & Missouri Railroad, Iowa Northern Railway, Kansas City Southern, East Broad Top Railroad, Center for Railroad Photography & Art, RailPulse, Historic Pullman Foundation.

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.

As listed above and in my Form 450 Financial Disclosure Report, I remain active with several entities involved in the railroad industry and I continue to participate in two defined benefit plans from my prior employment with Conrail and Western Trunk Railroad. I do not believe any of these relationships presents a conflict of interest. However, if an actual or apparent or potential conflict were to arise, I would consult with Amtrak's Ethics Officer and follow their advice regarding recusal or any other recommended mitigations.

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.

As listed above and in my Form 450 Financial Disclosure Report, I remain active with several entities involved in the railroad industry and I continue to participate in two defined benefit plans from my prior employment with Conrail and Western Trunk Railroad. I do not believe any of these relationships presents a conflict of interest. However, if an actual or apparent or potential conflict were to arise, I would consult with Amtrak's Ethics Officer and follow their advice regarding recusal or any other recommended mitigations.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest. None.

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, an Inspector General, professional association, disciplinary committee, or other professional group? None. If yes:

- Provide the name of court, agency, association, committee, or group;
- Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- Describe the citation, disciplinary action, complaint, or personnel action;
- 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.

I have never been named in any litigation.

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. None.

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. None.

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 whistleblowers 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.

RONALD L. BATORY

RÉSUMÉ OF QUALIFICATIONS

SUMMARY OF EXPERIENCE:

- Career professional with more than 45 years of both line and staff experience in the railroad industry serving in various administrative and operational leadership positions of considerable responsibility.
- Effective senior-level management abilities in leading change and maximizing use of organizational talent.
- Expertise in planning, analysis and control of costs to enhance contribution of revenue, as well as achieving revenue growth through exploitation of commercial opportunities.

Additional skills: planning and conducting cost/performance rationalization studies from concept; coordinating the implementation of both operating and maintenance improvement programs.

CAREER JOURNAL:

CONSOLIDATED RAIL CORPORATION 1998/2017

President and Chief Operating Officer

Complete leadership responsibility for the eighth (8th) largest freight rail earner in the United States. Ensures fulfillment of a business enterprise with a unique corporate structure within the deregulated transportation sector.

Senior Vice President—Operations

Reporting responsibility for the planning, operation and maintenance of the Shared Assets Areas in New Jersey, Pennsylvania and Michigan. Constitutes the largest terminal switching operation in North America evolving from the acquisition and division of Consolidated Rail Corporation by CSX Transportation and Norfolk Southern Corporation.

Guided a post-split operation of continuous improvement wherein safety, service and costs indicators are recognized to be historically record setting for the associated territories.

THE BELT RAILWAY COMPANY OF CHICAGO 1994/1998

President—Bedford Park, Illinois

Complete leadership responsibility for the largest intermediate switching company in the Nation serving a terminal network of seventeen (17) rail carriers. Instituted policies and practices that lead to an array of unprecedented safety and service performance records, while simultaneously undertaking a massive infrastructure improvement plan.

SOUTHERN PACIFIC TRANSPORTATION COMPANY
1989/1994

General Manager—Chicago, Illinois

Reporting responsibility for field operations on the Midwest Region which spanned a territory from Chicago, Illinois, to Tucumcari, New Mexico, on the west to Shreveport, Louisiana, and Texarkana, Texas, on the east. Served as General Manager, SPCSL Corp., a wholly owned subsidiary of Southern Pacific Transportation Company. Represented St. Louis Southwestern Railway as a Board of Director member for the Kansas City Terminal Railway Company, Terminal Railroad Association of St. Louis, Southern Illinois and Missouri Bridge Company and Arkansas & Memphis Railway Bridge and Terminal Company.

Assistant General Manager—Chicago, Illinois

Reporting responsibility to Central Region, which spanned a territory between Chicago and East St. Louis, Illinois, on the east to Sparks, Nevada, and Klamath Falls, Oregon, on the west. Served as primary Operating Department planner and directed implementation for Southern Pacific's access in Chicago, Illinois, from both East St. Louis, Illinois, and Kansas City, Kansas, in 1989 and 1990 respectively.

CHICAGO, MISSOURI & WESTERN RAILWAY
1987/1989

Vice President/General Manager—Springfield, Illinois

Directed system transportation, maintenance, intermodal purchasing, security and corporate relations organizational functions, as related to the daily operation of both freight and Amtrak passenger trains transversing over 600 route miles.

Included Board of Director responsibility to Kansas City Terminal Railway Company. Maintained ongoing communications with appropriate lobbying bodies and state/federal regulatory agencies, which favored the Trustee's endeavors to successfully obtain nearly \$14 million in low interest loans and grants. Formulated an asset disposition plan for the Trustee, which resulted in all rail lines being conveyed to responsible parties, thus avoiding the path of service discontinuances and subsequent liquidation.

GRAND TRUNK WESTERN RAILROAD COMPANY
1981/1987 (Various Locations)

Director Transportation Planning—Detroit, Michigan

Directed the manifest freight scheduling and classification requirements for all yards and terminals. Implemented a terminal management information system through use of electronic data processing. Developed and coordinated joint operating improvement projects with various connecting carriers throughout the four state system.

District Manager Operations/Chicago—Chicago, Illinois

Managed major territorial operations of Chicago District. Ensured consistent service and cost-effective operations through coordination of transportation, intermodal, mechanical, engineering, administrative and joint facility functions necessary to meet committed commercial specifications.

Terminal Manager, Chicago Terminal District—Chicago, Illinois

Managed the scheduled movement of road trains and yard operations. Using a diversity of management skills, ensured cost effective productivity levels. Simultaneously rationalized entire terminal operations through expanded use of joint facilities, thereby reducing fixed costs. Overall reduction and consolidations resulted in a net decrease in annual operating costs by \$7.8 million along with eliminating future capital requirements of considerable sort.

Trainmaster, Shore Line Subdivision—Toledo, Ohio

Management responsibility for daily train, yard and dispatching operations of the former Detroit and Toledo Shore Line Railroad Company. During tenure, recommended, developed and implemented a highly successful operating plan to curtail hump switching, car repair and locomotive servicing at Lang Yard, Toledo, Ohio, while consolidating the train dispatching office with those in Pontiac, Michigan, which created a \$4.3 million reduction in operating expenses and minimized the overall need for further capital improvement among the affected facilities.

Transportation Supervisor, Detroit Division—Pontiac, Michigan

Managed and monitored divisional operations of road trains and SEMTA commuter trains ensuring commercial freight standards and public transit commitments were met. Coordinated over the road line operations in the Detroit, Michigan, area for

all newly created inter-divisional trains resulting from the acquisition of Detroit and Toledo Shore Line Railroad Company and Detroit, Toledo & Ironton Railroad Company.

DETROIT, TOLEDO & IRLONTON RAILROAD COMPANY

1971/1981 (Various Locations)

Director of Material Procurement and Planning—Dearborn, Michigan

Administered purchasing, material distribution, industrial engineering and capital budget functions consistent with corporate requirements. Successfully developed and implemented a totally operable and accountable post-merger system for consolidating and standardizing materials and supplies once recognized independently by three railroads.

Manager, Industrial Engineering—Dearborn, Michigan

Successfully developed standard measurement systems for various operating sub-departments. These productivity measurements were later used to develop a powerful management tool for both line and staff personnel. Designed and monitored the operating plan for accessing Cincinnati, Ohio, for interchange with the former Southern Railway Company and Louisville and Nashville Railroad Company over track-age rights of Consolidated Rail Corporation as set forth by the United States Railway Association.

Assistant Engineer Track System—Flat Rock, Michigan

Responsible for the production results of out-of-face maintenance programs. Assisted in cost and method planning/analysis of all maintenance and capital programs. Designated to conduct Federal Railroad Administration inspections to comply with minimum track safety standards.

Administrative Assistant to Vice President of Operations—Dearborn, Michigan

Responsible for accurate formulation of operating and capital budgets as related for the entire Operating Department. Performed numerous operational planning studies for management review.

Traveling Auditor, Car Accounting—Dearborn, Michigan

Designed operational audit procedures, which applied to the mileage portion of car hire payments reported by foreign line carriers.

Participated in the development and implementation of an E.D.P. system for generating car hire reclaims covering both switching and storage.

EDUCATIONAL BACKGROUND:

Master of Arts Degree:

Graduate, Eastern Michigan University in 1975, Ypsilanti, Michigan

Bachelor of Arts Degree: Business Administration & Economics

Graduate, Adrian College in 1971, Adrian, Michigan

CONTINUING EDUCATION/TRAINING:

Canadian National General Management Program, completed through Bishop's University, Lennoxville, Quebec, 1981

IBM Executive Seminar, 1979

Purchasing and Material Management Seminar through General Motors Corporation, Electro-Motive Division 1978

Freight Car Air Brakes Seminar through Wabco, Westinghouse Air Brake Division, 1975

Transportation Seminar through General Motors Corporation, Electro-Motive Division, 1974

The CHAIR. Thank you, Mr. Batory. And we will get to that in a minute, but we have one more nominee here. Ms. Clegg, thank you for your willingness to serve. We look forward to your comments.

**STATEMENT OF ELAINE CLEGG, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS**

Ms. CLEGG. Thank you. Chair Cantwell, Ranking Member Schmitt, members of the Committee, thank you for inviting me to appear before you today. My name is Elaine Clegg, and I am deeply honored to be nominated to join the Amtrak Board of Directors. I am a resident of Boise, Idaho, and an Idaho native.

I grew up loving train travel, traveling by train to Boise every summer while my family lived in Denver. My mother's family moved to Idaho by train and even lived in a boxcar on a site in a fledgling logging community.

Idaho has been the fastest growing U.S. state for most of the past decade and is part of the Mountain West region, the fastest growing region in the country. The Mountain West has harsh winters, often closing roads, an aging population, and nearly 20 million people who experience lower levels of Amtrak and other public transportation services than found elsewhere in the country despite very long travel distances.

If confirmed, I will provide a Western point of view on our Nation's railroad needs. My advocacy for better public transportation is accompanied by 20 years of experience overseeing public services for a City of over 230,000 residents as a member of the Boise City Council, where my primary focus was on land use and transportation planning and policy.

I also chaired the National League of Cities Transportation and Infrastructure Services Committee and have served on numerous boards of city and professional organizations across the country. Before serving on the City Council, I spent 15 years running a small business, then working for a nonprofit organization, all while raising five children and finishing my college degree.

Since February of last year, I have been the CEO of Valley Regional Transit, where I previously served as a Board and Executive Board Member and Chair. Valley Regional Transit provides fixed rail bus service throughout the Boise metropolitan region, serving over a million riders annually.

We recently introduced a revised bus network that offers better service while improving cost efficiencies in our operations. The only Amtrak services in the Mountain West are for long distance routes that skirt the edges of the region and operate once a day or less. There is no service at all in the heart of the inland Northwest.

Boise has one of the most beautiful train stations in the country, but it has been without a passenger train since the Pioneer, a long distance train from Seattle through Denver to Chicago, was discontinued in 1997. Today, Idaho's only Amtrak train is the Empire Builder, stopping at a single station in a remote panhandle community in the middle of the night.

Idaho, like other mountain states, has little airline service outside the Boise region with very little air service and very sparse intercity bus elsewhere. Those of us who live in the Mountain West need passenger rail and other ways to travel.

People move to our region for the lifestyle, yet because of the lack of transportation offerings, they are finding their new home means a lot of long distance driving on difficult roads, even in bad weather.

One of my longstanding goals has been to bring more Amtrak service back to the Northwest. I helped to organize the Greater Northwest Passenger Rail Working Group, whose vision is to develop a multimodal, connected transportation network anchored by passenger rail.

We worked on the Corridor Identification Program applications to the FRA such as from Boise to Salt Lake City and participated in the FRA long distance service study required by the IIJA. I am excited the former Pioneer route is one of the routes included in FRA's proposed long distance expansion.

I am a problem solver who recognizes the importance of collaboration, creative ideas, planning, setting priorities, and managing lean budgets. I work by bringing those ideas and a fresh perspective and working transparently with the public and decisionmakers so all have a voice and ownership in the way forward.

The United States was built on opportunity for all. We need more travel options, particularly for those who are aging, disabled, or unable to drive or fly, and especially in our small communities and rural areas. Without the train that brought my grandparents to Idaho, they would not have had the same opportunities.

Without trains and other travel modes, many Americans today can't take advantage of the opportunities that would otherwise improve their lives. If confirmed, I will continue to bring—work to bring passenger rail to the places that don't have service today and will provide a Western point of view on the Amtrak Board.

Thank you for your time. Happy to answer any questions.

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

PREPARED STATEMENT OF ELAINE CLEGG, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS

Chair Cantwell, Ranking Member Cruz, members of the Committee: Thank you for inviting me to appear before you today. My name is Elaine Clegg, and I'm deeply honored to have been nominated to join the Amtrak Board of Directors.

I'm a resident of Boise, Idaho, and an Idaho native. I grew up loving train travel, traveling by train to Boise every summer while my family lived in Denver. My mother's family moved to Idaho by train and even lived in a boxcar on a siding for seven years as part of a fledgling logging community.

Idaho has been the fastest growing U.S. state for most of the past decade and is part of the Mountain West Region—the fastest growing region in the country. The Mountain West has harsh winters that often close roads, an aging population and nearly 20 million people who experience lower levels of Amtrak and other public transportation services than found elsewhere in the country despite long travel distances. If confirmed, I will provide a Western point of view on our Nation's rail needs.

My advocacy for better public transportation is accompanied by twenty years of experience overseeing public services for a city with over 230,000 residents as a member of the Boise City Council, where my primary focus was in land use and transportation. I also chaired the National League of Cities' Transportation and Infrastructure Services Committee and have served on numerous boards of city and professional organizations across the country. Before serving on the city council, I spent 15 years running a small business, then working for a non-profit organization, all while raising five children and finishing my college degree.

Since February of last year, I have been the CEO of Valley Regional Transit, where I previously served as a Board and Executive Board member and chair. Valley Regional Transit provides fixed route bus service throughout the Boise metropolitan area, serving over a million riders annually. We recently introduced a revised bus network offering better service while improving cost efficiencies in our operations.

The only Amtrak services in the Mountain West are four long-distance routes that skirt the edges of the region and operate once a day or less. There is no service at all in the heart of the inland northwest. Boise has one of the most beautiful train stations in the country, but it has been without a passenger train since the Pioneer, a long-distance train from Seattle through Denver to Chicago, was discontinued in 1997. Today, Idaho's only Amtrak train is the *Empire Builder*, stopping at a single station in a remote panhandle community in the middle of the night. Idaho, like other Mountain states, has little airline service outside of the Boise region, with very little air service and very sparse inter-city bus elsewhere.

Those of us who live in the Mountain West want and need passenger rail and other ways to travel. People move to our region to for the lifestyle, yet, because of the lack of transportation options, what they are finding in their new home is a lot of long-distance driving on difficult roads—even in bad weather.

One of my long-standing goals has been to bring more Amtrak service back to the Northwest. I helped organize the Greater Northwest Passenger Rail Working Group whose vision is to develop a multimodal, connected transportation network anchored by passenger rail. We worked on Corridor Identification Program applications to the Federal Railroad Administration, such as from Boise to Salt Lake City, and participated in the FRA-led Long-Distance Service Study required by the Infrastructure Investment and Jobs Act. I am excited the former Pioneer route through Boise is one of the routes to be included in FRA's proposed Amtrak long-distance service expansion.

I am a problem solver who recognizes the importance of collaboration, good planning, setting priorities, and managing lean budgets. I work by bringing creative ideas, a fresh perspective and working transparently with the public and decision makers so all have a voice and ownership in a way forward that everyone can get behind.

The United States was built on opportunity for all. We need more travel options, particularly for those who are aging, disabled, are unable to fly or drive, and especially in our small communities and rural areas. Without the train that brought my grandparents to Idaho they would not have had the same opportunities. Without trains and other travel modes many Americans today can't take advantage of the opportunities that would otherwise improve their lives.

If confirmed as a member of Amtrak's Board, I will continue to work to bring passenger rail service to the places where it doesn't exist today and will provide a Western point of view and experience that the Amtrak Board needs.

I thank you for your time and will be happy to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Elaine Marie Clegg, Elaine Marie Godfrey (maiden name).

2. Position to which nominated: Amtrak (National Passenger Rail Corporation) Board of Directors.

3. Date of Nomination: May 2, 2024.

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

Residence: Information not released to the public.

Office: 700 NE 2nd Street, Meridian, ID 83642

5. Date and Place of Birth: April 5, 1955; Boise, Ada County, ID.

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).

Brett Wynn Clegg, Jacobs Solutions Inc.; April Lynette Truax, 43 years old; Zachariah Brett Clegg, 41 years old; Dominique Nichole Oakley, 40 years old; Kelsie Anne Clegg, 35 years old; Whitney Dawn Clegg, 33 years old.

7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.

Boise State University, Boise, ID, 1973–1977, 1996–1997

B.A., Fine Arts, Painting and Drawing Emphasis

Graduated 1997, Cum Laude.

List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held

and any non-managerial jobs that relate to the position for which you are nominated.

2023 to present
Chief Executive Officer
Valley Regional Transit
Ada and Canyon Counties, HQ Meridian, ID

2004–2023
City Council Member Seat 5
City Council President or Pro-Tem 2005–2006, 2015–2023
City Of Boise
Boise, ID

2004–2023
Program Manager
Idaho Smart Growth
Boise, ID

2013, 2020–2022
Interim Executive Director
Idaho Smart Growth
Boise, ID

1998–2003
Co-Executive Director
Idaho Smart Growth
Boise, ID

1992–1998
Local Ad Program Advertising Designer
PayLess Drug Stores
District 7, Boise, ID

1993–1998
Weekend Bookkeeper
PayLess Drug Stores
District 7, Boise, ID

1979–1992
Self Employed—Graphic Design, Fine Art
Boise, ID

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 after 18 years of age.

- Idaho Lands Resource Coordinating Council, Idaho Department of Lands, 2013–2023, Council member
- City of Boise, Arts and History Commission, 2004–2011, Commissioner
- Idaho Transportation Department, Safe Routes to School Advisory Committee (SRTS), committee member 2004–2013
- City of Boise, Neighborhood Alliance, city advisory committee 1988–2002
- City of Boise, Foothills Planning Advisory Committee, Neighborhood Chair, 1992–1996

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.

Service as National Board and Advisory Committee member

- The Bus Coalition, Board member, 2023 to present
- The American Public Transportation Association (APTA) High Speed and Inter-City Passenger Rail Committee member 2023 to present
- National League of Cities (NLC) 2009–2023—Board member 2022
- NLC Transportation and Infrastructure Service Committee leadership 2015–2022, Chair 2022
- Association of Metropolitan Planning Organizations (AMPO), 2009–2019—Board member, President 2015–2017
- Surface Transportation Policy Partnership, 2006–2019, Board member, Secretary 2016–2019
- Transportation for America, 2011–2015 Advisory Committee

Regional/State Board member positions;

- Community Planning Association of Southwest Idaho (COMPASS), 2004 to present—Board Chair 2020, Executive Committee 2017–2023
- The Treasure Valley Clean cities Coalition, Board member 2023 to present
- Valley Regional Transit (VRT) 2006–2023 Board Chair 2014 and 2018
- Association of Idaho Cities 2006–2023, Executive Committee 2016–2023, Board President 2019
- Idaho the Association for the Gifted, Board Member, 1994–2003, Board Chair 2002

12. Please list each membership you have had after 18 years of age 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.

- North End Neighborhood Association, Boise, ID, member, Board member, President 1985–89
- Parent Teacher Association, Longfellow Elementary school, 1990–1995
- Silver Sage Girl Scout Council, Troop leader, 1995–1998
- North Boise Little League, coach,
- Idaho Smart Growth, Boise, ID, member, 1998 to present
- Idaho Walk Bike Alliance, Boise, ID, member, 2010 to present
- American Planning Association, Idaho Chapter, member 2012 to present
- Urban Land Institute, Idaho Chapter, member 2018 to present
- Treasure Valley Canopy Network, Treasure Valley, Boise, ID, member 2020 to present
- Women's Transportation Seminar, Southwest Idaho Chapter, member 2018–2020, 2023 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.

2004–2023

City Council Member Seat 5

City Of Boise, Boise, ID

Campaign account closed, no debt incurred

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.

Candidate	Office	Date	Amount
Diana Lachiondo	Ada County Commission	6/18/2020	\$200.00
Lauren Mclean	Mayor, City of Boise	4/7/2023	\$250.00
Jimmy Hallyburton	Boise City Council, Seat 3	8/29/2023	\$200.00
Lauren Mclean	Mayor, City of Boise	8/29/2023	\$250.00

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

- City of Boise, Key to the City honoree, 2023
- Association of Idaho Cities, John Evans Distinguished Service award 2023
- Idaho Business Review Women of the Year 2020
- Boise State University Distinguished Alumni 2018

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

The Consequences of Residential Infill Development on Existing Neighborhoods in the Treasure Valley, a Study and Conclusions;

https://www.idahosmartgrowth.org/wp-content/uploads/2014/04/uliisg_infill_report.pdf

Find Presentation here: https://www.idahosmartgrowth.org/wp-content/uploads/2014/04/infill_forum_presentation.pdf

Quality Infill Recommendations and Tools:

https://www.idahosmartgrowth.org/wp-content/uploads/2014/05/quality_infill_final1.pdf

Find Presentation here: https://www.idahosmartgrowth.org/wp-content/uploads/2014/04/isg_quality_infill_presentation.pdf

Smart Growth Best Practices, Putting Smart Growth Policy into Practice:

https://www.idahosmartgrowth.org/wp-content/uploads/2014/05/smart_growth_best_practices_21.pdf

Safe Routes to School Handbook of Best Practices:

https://www.idahosmartgrowth.org/wp-content/uploads/2014/05/safe_routes_to_school_bp_final-compressed.pdf

Appendix B—Community Reviews and Best Practice Recommendations:

https://www.idahosmartgrowth.org/wp-content/uploads/2014/05/safe_routes_to_school_city_policy_review.pdf

Model School District Policies in Support of Safe Routes to School:

<https://www.idahosmartgrowth.org/wp-content/uploads/2014/05/Model-School-Policies.pdf>

Code Reform—Model Codes

Introduction: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Introduction-to-zoning-for-smart-growth.pdf>

Comprehensive Planning Policies: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Comprehensive-Planning-Policies-final.pdf>

Module 1, Mixed use Activity Centers: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Z2-Neighborhood-Market-Place-District-final.pdf>

Module 2, Neighborhood Marketplace District: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Z1-Mixed-Use-Activity-Center-Zone-final.pdf>

Module 3, Accessory Dwelling Units: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Z3-Accessory-Dwelling-Units-final.pdf>

Module 4, Connectivity Standards: <https://www.idahosmartgrowth.org/wp-content/uploads/2014/10/Z4-Connectivity-Standards-final.pdf>

18. List all speeches, panel discussions, and presentations (e.g., PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

9/15/2024 <https://idahobusinessreview.com/tag/idaho-transportation/>
 6/12/2024 <https://www.cityofboise.org/news/parks-and-recreation/2024/june/elaine-clegg-city-of-trees-challenge-partners-celebrate-planting-235-000-forest->
 6/1/2024 <https://etatransit.com/wall-of-love/>
 4/1/2024 <https://podcasters.spotify.com/pod/show/buboardroom/episodes/Elaine-Clegg—BVA-Boardroom-Ep—15-e2hqqg>
 12/8/2023 <https://www.aol.com/idaho-sought-amtrak-return-boise-100000137.html>
 7/23/2023 <https://gemstatepatriot.com/blog/the-high-cost-of-mass-transportation/>
 5/15/2023 <https://www.youtube.com/watch?v=eE0exGIVjJA>
 4/24/2023 <https://web.boisechamber.org/events/2023leadership%20conference%20trains%20planes%20and%20automobiles%20%20mobility%20in%20idaho%20>
 3/21/2023 <https://www.webstergrovesmo.gov/DocumentCenter/View/11796/MayorCouncil-Letter-on-Railroad-Safety>
 3/14/2023 <https://boisedev.com/news/2023/03/14/elaine-clegg-final-council/>
 1/10/2023 <https://www.masstransitmag.com/management/press-release/21292016/valley-regional-transit-vrt-valley-regional-transit-board->
 9/27/2022 <https://www.railwayage.com/passenger/transit-briefs-metrolinx-amtrak-septa-mbta-umata/>
 9/5/2022 <https://idahonews.com/news/local/boise-to-salt-lake-passenger-rail-line>
 6/9/2022 <https://www.nlc.org/post/2022/06/09/boise-id-council-president-testifies-before-congress-on-strengthening-road-safety-in-communities/>
 4/6/2022 <https://www.apta.com/conferences-events/high-speed-rail/2022-high-speed-rail-meeting-full-program/>
 12/6/2021 <https://www.nlc.org/post/2021/12/06/nlc-launches-safety-first-challenge/>
 10/10/2021 <https://idwcc.org/elaine-clegg-and-many-more/>
 9/29/2021 <https://idahobusinessreview.com/2021/09/29/transportation-reps-city-officials-cut-ribbon-for-new-electric-buses/>
 8/8/2021 https://www.idahopress.com/community/life/tim-woodward-bring-back-our-train-amtrak-s-pioneer/article_f638e34a-72a3-5446-a6cd-

- 8/5/2021 <https://www.boisestatepublicradio.org/news/2021-08-05/infrastructure-congress-amtrak-boise-idaho-pioneer-route>
- 8/1/2021 <https://woodwardblog.com/2021/08/>
- 6/13/2021 https://gorgeneuwscenter.com/2021/07/13/gorge-commission-hears-proposal-to-resume-the-amtrak-pioneer/#google_vignette
- 6/7/2021 https://www.idahopress.com/news/local/passenger-trains-at-the-boise-depot-city-council-hopes-to-resurrect-amtrak-line/article_f17fa682-52e3-
- 11/18/2020 <https://boisedev.com/news/2020/11/18/boise-mayor-city-council-take-a-pass-on-pay-raises-for-2021/>
- 10/15/2020 <https://www.climatehubs.usda.gov/hubs/northwest/topic/reducing-urban-heat-through-tree-planting-boise>
- 4/24/2020 <https://idahonews.com/news/local/city-of-boise-wants-to-plan-100000-trees-over-the-next-10-years>
- 2/14/2020 <https://boisedev.com/news/2020/02/14/elaine-clegg-tree-city-challenge/>
- 11/5/2019 https://www.idaho.press.com/news/local/clegg-holds-seat-on-boise-city-council/article_21716568-0228-5481-916f-5d660ac82bdd.html
- 9/9/2019 <https://nextcity.org/features/can-cities-ever-eliminate-hunger>
- 6/24/2019 <https://kmlu.go.id/sanfrancisco/en/news/1514/courtesy-call-with-governor-of-idaho-and-council-president-of-the-mayor-office-of-boise>
- 10/26/2018 <https://www.boisestate.edu/news/2018/10/26/boise-state-honors-boise-city-council-kustras-during-homecoming-2018/>
- 5/16/2018 https://www.youtube.com/watch?v=WlXKa6Os_q4
- 12/1/2017 <https://www.ptvermont.org/wp-content/uploads/2017/12/publicbuildings.pdf>
- 11/1/2016 <https://www.vpnaboise.org/2016/11/1/esther-simplot-park-officially-opens/>
- 6/6/2016 <https://www.youtube.com/watch?v=RLtGrS0Jss>
- 9/15/2015 <https://www.idahostatesman.com/news/politics-government/election/article41569377.html>
- 6/16/2014 <https://bikeleague.org/sites/default/files/Join%20USCM%20NLC%20Letter%20on%20Transportation%20Alternatives%20Program.pdf>
- 1/30/2014 https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2014/standingcommittees/140130_sedu_0
- 1/19/2014 https://www.lmtribune.com/northwest/skinny-houses-are-big-in-boise/article_c1c97c24-a251-5438-94aa-0ea45cee673f.html
- 6/25/2013 <https://www.pps.org/article/canceling-the-curve-a-small-town-rightsizing-success-story>
- 12/8/2012 <https://stateimpact.npr.org/idaho/2012/12/08/idaho-county-and-city-leaders-brace-for-personal-property-tax-debate/>
- 6/5/2012 <https://smartgrowthamerica.org/councilmember-elaine-clegg-on-boise-idahos-blueprint-for-success/>
- 6/6/2011 <https://www.youtube.com/watch?v=7q8SRmd0iow>

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

Question 19

Date	Type	Location	Statement	Link	Additional
9/21/2015	Speech	Campaign	Standing before a group of supporters at the Boise Depot, Clegg noted that she has been pushing for a multi-modal freight system "that will include using this great rail system that we have right behind us, and figuring out a way to move freight from truck to rail and rail to truck and utilizing a great airport that could also be part of this freight-movement system."	https://garyerichardson.com/2015/09/21/elaine-clegg-cites-boise-successes-and-work-yet-to-be-done-in-announcing-re-election-campaign/	
9/29/2016	Conference	National Summit on Transportation and Opportunity	A national convention about how transportation connects people to opportunities. Participant: Elaine Clegg.	https://www.fhwa.dot.gov/policy/otps/nsto_symposium_white_paper_final.pdf	
9/11/2020	Conference Panel	Virtual	ITS 202 Annual Meeting and Exhibition	https://www.its.org/events-meetings/its-virtual-annual-meeting-and-exhibition-program/	Photo Attached
9/17/2020	Conference	Montana Passenger Rail Summit	On Thursday, September 17, over 300 people from around the state, region, and country gathered virtually for the inaugural Montana Passenger Rail Summit. Summit attendees included elected officials, business leaders, students, passenger rail experts, environmental organizations, public health experts, and transportation enthusiasts. Speaker: Elaine Clegg. Connecting the U.S.	https://montanapassengerrailsummit.org/summit/2020/	
9/17/2020	Conference Presentation	Montana Rail Passengers Summit			
9/18/2020	Article	Missoula Current	"If we were able to reestablish such a system, I think the Intermountain West wouldn't be nearly as isolated as it is today in the national economy," Clegg said. "We'd love to see an opportunity to establish an inter-state regional rail commission in this region. If we could look at this as a region and really look at the connections between Seattle and Salt Lake, and Pocatello and various parts of Montana, we could establish a good system of connectivity throughout the Northwest region."	https://missoulacurrent.com/restore-passenger-rail/	
1/23/2021	Panel Discussion	Oregon Passenger Rail Summit: Connecting Communities	Connecting Communities		Agenda Doc attached
6/22/2021	Article	Boise Dev	"We know that people in eastern Oregon and across southern Idaho want to get to Boise for various services like healthcare, financial reasons and various government services and we know that the weather in this region isn't really conducive to driving year round," Clegg said. "For me, the first important reason (Amtrak service matters) is that it connects this region which is a culturally similar region in a way that allows people to get to the services they need even if they can't drive, which lots of people can't do anymore."	https://boisedev.com/news/2021/06/22/amtrak-idaho-clegg-crapo/	

Question 19—Continued

Date	Type	Location	Statement	Link	Additional
7/13/2021	Presentation	Series of meeting presentations on behalf of the Greater Northwest Passenger Rail Working Group	Rail Coordination in the Northwest—typical presentation, to Columbia Gorge Commission, Wyoming MPO's, Association of Idaho Cities, eastern Oregon cities, and more	https://gorgeneucenter.com/2021/07/13/gorge-commission-hears-proposal-to-resume-the-amtrak-pioneer/	typical ppt attached
7/19/2021	Article	Idaho Statesman	For six years growing up in Denver, Elaine Clegg boarded a train with her mother and sisters to spend the summer in Boise. "I loved it," said Clegg, who was first elected to the Boise City Council in 2003 and now serves as its president, in a phone interview. "It was so much fun." Clegg and other passenger train advocates would like to see the Pioneer restored.	https://www.idahostatesman.com/news/local/traffic/article252757533.html	
7/19/2021	Article	Idaho Statesman	A bill in the U.S. Senate calls on Amtrak to study the Pioneer route and three other abandoned passenger rail routes. "We're pretty confident it will make it through the Senate," said Clegg, who serves on the transportation infrastructure committee of the National League of Cities. Through that position, Clegg said she was able to speak personally with Transportation Secretary Pete Buttigieg and share her views. "He's very well aware of it, very supportive, as are two undersecretaries who we've met with numerous times," Clegg said.	https://www.idahostatesman.com/news/local/traffic/article252757533.html	
7/19/2021	Article	Idaho Statesman	"I think there's a recognition that the rest of the world enjoys much better choice in how to get around their country because they make this investment, and maybe it's worth doing so here," Clegg said. Clegg also belongs to the Greater Northwest Passenger Rail Working Group, a loosely knit group of train advocates who have been meeting for the last year to return intercity rail service in the Northwest. "We think this is a part of the country that's much underserved by rail, and there's a lot of economic and environmental benefits if we can re-establish passenger rail in the region," Clegg said Tuesday during a presentation to the Columbia River Gorge Commission.	https://www.idahostatesman.com/news/local/traffic/article252757533.html	
7/19/2021	Article	Idaho Statesman	Resurrecting the Pioneer run would prove successful, Clegg said. "I think people would ride it and it would bring great benefit economically," she said.	https://www.idahostatesman.com/news/local/traffic/article252757533.html	
7/19/2021	Article	Idaho Statesman	Clegg hopes that the Pioneer route could figure into Amtrak's plan. Amtrak hasn't commented on the efforts. "I can't say Amtrak is opposed to what we're doing, but if there's anyone that we've gotten pushback from, it's them," she said. "I believe that's because they don't think they're going to have the resources to do this."	https://www.idahostatesman.com/news/local/traffic/article252757533.html	
11/14/2021	Conference	2021 Fall Idaho Democratic Women's Caucus Breakfast	She also touched upon the future of rail including Amtrak and her efforts to bring more passenger rail to our state. With the recent Federal focus on infrastructure, the timeliness of her speech cannot be overlooked.	https://idwc.org/elaine-clegg-and-many-more/	
1/20/2022	Board Presentation	Boise Metro Chamber of Commerce Board	Transit and Rail		PPT attached
3/13/2022	Conference Proceedings	National League of Cities	Agenda: Transportation and Infrastructure Services Federal Advocacy Committee NLC Congressional City Conference Sunday, March 13, 2022, 1:00-4:00 p.m. ET, RAIL & TRANSIT The Honorable Elaine Clegg Chair of TIS and Council President, City of Boise, ID	https://www.nlc.org/up-content/uploads/2022/03/FINAL-TIS-CCC-Agenda.pdf	
3/13/2022	Conference Panel Discussion	APTA Committee on High-Speed and Intercity Passenger Rail	V. Discussion with Key APTA Partners on Passenger Rail Opportunities and Challenges	https://www.apta.com/up-content/uploads/HSIPR-Agenda-March-2022-1.pdf	PPT attached
3/30/2022	Conference Panel Presentation	APTA High Speed Rail Conference	General Session: Visions of State, Local, National and International Leaders; Join a wide range of industry leaders and stakeholders as they discuss the multitude of benefits that can be achieved by building a robust high-speed and intercity passenger rail network that is environmentally friendly, resilient, and sustainable.	https://www.apta.com/conferences-events/high-speed-rail/2022-high-speed-rail-meeting-full-program/	https://www.apta.com/conferences-events/high-speed-rail/2022-high-speed-rail-conference-speakers/
4/12/2022	Infrastructure Panel	Boise Metro Chamber of Commerce Leadership Conference	"Leading For Growth: Solutions through Regional Partnerships"	https://web.boisechamber.org/events/2022-Leadership-Conference-Leading-For-Growth-Solutions-through-Regional-Partnerships-8250/details	PPT attached
4/29/2022	Conference	Rail Users Network Virtual Mini-Conference	Elaine Clegg who is the President of Boise's City Council, and is also the Program Manager of Idaho Smart Growth, will talk about restoring the Pioneer Passenger Rail Route from Seattle, Washington to Denver, Colorado.	https://www.railusers.net/past-conferences/2022-virtual-mini-conference/	PPT attached
4/29/2022	Conference Presentation	Rail Users Network Virtual Mini-conference	"Look West"—Here's Where Advocates Are Fighting To Restore/Expand Rail Service In The Western US/British Columbia"	https://www.railusers.net/past-conferences/2022-virtual-mini-conference/	Agenda doc, PPT attached

Question 19—Continued

Date	Type	Location	Statement	Link	Additional
7/29/2022	Article	Boise Dev	"Economically it's well proven that rail connections provide a lot of economic benefits, especially in a region like ours where the ability to travel intercity is so limited," Boise City Council President Elaine Clegg said. "The only way to get to many of the places in our region is by car and so in the winter or if you're aging or if you have other restrictions that make it difficult for you to use a car, it truncates the ability to travel inter-regionally."	https://boisedev.com/2022/06/29/amtrak-boise-service/	
7/29/2022	Article	Boise Dev	"Combined with all of this is an interest to work on establishing a regional rail from Caldwell to Mountain Home that would serve the folks in this region who need to get to the various places for work or whatever else," Clegg said. "In addition to the bigger picture long-distance benefits, there's a real potential benefit to the region to get the opportunity to have an option besides driving on the freeway to get around."	https://boisedev.com/2022/06/29/amtrak-boise-service/	
8/23/2022	Conference Panel Presentation	Big Sky Passenger Rail Summit	This session will take a deep dive into the two former Amtrak routes—the North Coast Hiawatha and the Pioneer—that have already been confirmed to be included in the Section 22214 Study directed by the Infrastructure Investment and Jobs Act (IIJA) passed by Congress in November 2021, as well as examine other discontinued routes in the Northwest that may also be included in that study. Section 22214 of the IIJA directs the U.S. Department of Transportation to conduct a study of discontinued long-distance rail routes, with a report to be delivered to Congress within two years with its findings and recommendations on which routes Congress should fund the restoration of. Section 22214 also allows exploration of potential new long-distance routes, of which the FRA may address other key potential routes in this session as well as the previous break-out sessions.	https://www.bigskyrail.org/2022summit/v/session-6-22214-study-routes-1	
9/2/2022	letter	to Administrator Bose regarding long distance study	From officials in Idaho	https://allaboardnux.org/site/assets/files/7511/fra-2022-0031-0031_attachment_1.pdf	
9/14/2022	Article	Boise Dev	City Council President Elaine Clegg said this route is only a small piece of the work to bring more robust passenger rail service to the Mountain West. For the last year, she has been leading the push on including Boise in long-distance rail routes operated by Amtrak, instead of just a shorter route with more frequent trips between Boise and SLC. She said in addition to adding service between Portland and SLC, there is discussion of studying a north-south route called Desert Wind from Utah down to Las Vegas. "It would be a tremendous route if they do end up identifying that," Clegg said.	https://boisedev.com/news/2022/09/14/boise-salt-lake-city-partnering-to-request-rail-service-between-cities/	
9/15/2022	Article	Idaho News	"The corridor ID program really offers an opportunity to go beyond the long-distance Amtrak routes," Boise City Council President Elaine Clegg said. "And look at more frequent service between those city pairs that can be so important to the economic region."	https://idahonews.com/news/local/boise-to-salt-lake-passenger-rail-line	
9/19/2022	Article	KSL	"Any (routes) chosen by (the Federal Railroad Administration) through this and the long distance study will be eligible for technical assistance. It's really exciting stuff."	https://www.ksl.com/article/50478925/a-utah-train-to-idaho-salt-lake-boise-leaders-are-working-to-restore-old-service	
9/22/2022	Article	KJZZ	"The corridor ID program really offers an opportunity to go beyond the long-distance Amtrak routes," Boise City Council President Elaine Clegg said. "And look at more frequent service between those city pairs that can be so important to the economic region."	https://kjzz.com/news/local/passenger-train-route-from-salt-lake-city-to-boise-under-consideration	
9/26/2022	Article	Idaho Statesman	Elaine Clegg, Boise's City Council president, has for years been advocating for the return of rail service through the historic Boise Depot. She told the Idaho Statesman that while Amtrak has long left huge swaths of the Mountain West out of its future service plans, that may now be changing as the Federal government injects previously unheard of amounts of money into the Nation's rail.	https://www.idahostatesman.com/news/local/traffic/article266189766.html	
9/26/2022	Article	Idaho Statesman	"They are recognizing that this is maybe a once in a lifetime opportunity to reestablish rail in ways in the United States that we haven't seen since the 1960s," Clegg said.	https://www.idahostatesman.com/news/local/traffic/article266189766.html	
9/26/2022	Article	Idaho Statesman	"About a quarter of the people in the United States live in rural places," Clegg said. "These areas have 'been contributing to Amtrak over the years (and) haven't seen any service from it."	https://www.idahostatesman.com/news/local/traffic/article266189766.html	

Question 19—Continued

Date	Type	Location	Statement	Link	Additional
10/22/2022	Article	Lewiston Tribune	Elaine Clegg, Boise's City Council president, has for years been advocating for the return of rail service through the historic Boise Depot. She told the Idaho Statesman that while Amtrak has long left huge swaths of the Mountain West out of its future service plans, that may now be changing as the Federal government injects previously unheard of amounts of money into the Nation's rail. They are recognizing that this is maybe a once in a lifetime opportunity to reestablish rail in ways in the United States that we haven't seen since the 1960s," Clegg said.	https://www.lntribune.com/business/train-travel-plan-gains-steam/article_38e53330-4077-5b08-ac57-518aff65428d.html	
12/22/2022	Article	Idaho Statesman	Transportation has been a focus of Clegg's on the council, where she has spearheaded efforts to bring passenger rail back to Boise with the help of Federal funding.	https://www.idahostatesman.com/news/local/community/boise/article270349102.html	
1/31/2023	Article	KTVB	"One of the reasons I became a proponent of long rail is that it then establishes passenger movement on that rail corridor. And once that's established, then in fact, we can use it for commuter," Clegg said. "Having said that, without a good bus system underneath it, it won't work. And so we really need both."	https://www.ktvb.com/article/news/local/growing-idaho/elaine-clegg-valley-regional-transit-public-transportation-bus-train-treasure-valley/277-07537ef5-44e2-4a69-a784-452a7c898714	
1/31/2023	Article, Biographical Sketch	KTVB	Career review	https://www.google.com/amp/s/www.ktvb.com/amp/article/news/local/growing-idaho/elaine-clegg-boise-growth/277-b499f7bc-9556-43b1-ad78-56745d0edeab	
2/13/2023	Blog	PNWR Capital Visits	"[PNWR] met with Elaine Clegg, CEO of Valley Regional Transit, and Bill Conners, CEO of the Boise Metro Chamber, to discuss trains and transit in the Treasure Valley."	https://www.pnwr.org/blog/recapping-the-2023-pnwr-capital-visits	
3/7/2023	Article, Biographical Sketch	VRT	"Get to know the CEO"	https://www.valleyregionaltransit.org/news/get-to-know-the-ceo/	
3/22/2023	Conference	AANW Connect Rail Summit			
3/31/2023	Conference	Montana Rail Effort			
4/14/2023	Panel	National Association of Realtors, Community and Stewardship Series	Sustainability and the State of Idaho	https://www.nar-realtor/sustainability/nar-community-and-stewardship-series-boise-idaho	
6/1/2023	Presentation	Boise Rotary Club		ppt attached	
6/6/2023	Panel Discussion	Idaho Business Review: Transportation's Future in Idaho	"There's \$66 billion in the bipartisan infrastructure law over five years for trains. It's over 10 times what we've spent as a country on railroads in forever, and certainly in decades. Part of that includes money to do a long distance study of routes that were discontinued in the past. One of those routes is Pioneer. The Federal Railroad Administration (FRA) is charged with developing a recommendation for Congress by November 15 of this year, and from that recommendation, Congress will determine which of those routes they will direct Amtrak to add back into the national system. So, we're very hopeful that the Pioneer will both get that recommendation from FRA and get that vote from Congress. When it comes time, we'll let you all know who you can contact to help with that vote, I think there may be some action there."	https://idahobusinessreview.com/2023/06/06/ibr-panel-transportations-future-in-idaho/	
7/12/2023	Conference, Panel Moderator	Greater Northwest Passenger Rail Summit	Moderator: Elaine Clegg, Better Together: Moving People & Freight on the Same Tracks. Introducing High Performance Rail—Identifying ways to co-invest in freight and passenger rail to improve overall rail performance. How have passenger rail service providers across the U.S. and Canada successfully navigated their relationships with host freight railroads? How can these lessons inform the current discussion to expand passenger rail service in the Pacific Northwest?	https://gnwpr.org/2023/videos/	
7/12/2023	Conference Article	Idaho Press	Elaine Clegg, CEO of Valley Regional Transit and former Boise city councilmember, said that around three years ago, leaders formed the Greater Northwest Passenger Rail Working Group to determine interest in the idea. Since then, Clegg said, the group has turned Amtrak and others from skeptics to supporters.	https://www.idahopress.com/news/local/everyone-has-a-train-story-north-west-leaders-hopeful-rail-service-will-return-to-idaho/article_92fd436c-27f3-11ee-b24e-537a8906963a.html	
10/18/2023	Conference Panel Moderator	Idaho Walk Bike Alliance Transportation Conference	Leadership (elected officials—local and state) Senator Rick Just, Representative Julie Yamamoto, Mayor Jarom Wagoner, City Councilwoman Linda Leeuwrik,—Moderator: Elaine Clegg	https://idahowalkbike.org/2023-transportation-conference/	
11/21/2023	Article	Idaho Statesman	Of course, the rail is a big issue of mine. I'll continue to work on that. I think there's a tremendous opportunity to do regional rail here. That could be a game-changer in terms of how people move around regionally in the valley.	https://www.idahostatesman.com/news/local/community/boise/article273154270.html	

Question 19—Continued

Date	Type	Location	Statement	Link	Additional
12/7/2023	Panel Discussion	Idaho Business Review: Forum on the Future	Clegg: "There's \$66 billion in the bipartisan infrastructure law over five years for trains. It's over 10 times what we've spent as a country on railroads in forever, and certainly in decades. Part of that includes money to do a long distance study of routes that were discontinued in the past. One of those routes is Pioneer. The Federal Railroad Administration (FRA) is charged with developing a recommendation for Congress by November 15 of this year, and from that recommendation, Congress will determine which of those routes they will direct Amtrak to add back into the national system. So, we're very hopeful that the Pioneer will both get that recommendation from FRA and get that vote from Congress. When it comes time, we'll let you all know who you can contact to help with that vote, I think there may be some action there."	https://idahobusinessreview.com/tag/idaho-transportation/	PPT link
2/8/2024	Podcast	Talking Headways	we have incredible asset running right through the middle of our valley. So we have a main line, it's all owned by Union Pacific that handles a lot of freight that skirts. The valley on the south does run through the middle of the two most Western cities, Nampa and Caldwell. But at Nampa there's a short line that takes off and that short line then runs through the City of mood and the City of Boise, the two other biggest cities in the state of Idaho. And so I've always been interested in trying to figure out a way to use this rail line. We had rail service, Amtrak, long distance rail service up until 1997 and there's long been a movement to try and reintroduce that. So I got involved in that movement during the pandemic and, but the ulterior motive for me, even well before I took this job was that that would open the door to this regional rail that could make such a difference in this region. You know, a freeway lane can move a thousand cars an hour, maybe 1500 if everything's running perfectly. And a rail line like we're talking about, can easily move 10,000 people an hour. So if you look at the investment per movement, you can really make the case financially that it makes sense Not to mention that there really isn't anywhere else to try and move people in this valley without double decking the freeway or you know, the kinds of things that you see that we now just don't work. Yes. So that's where the movement came from. We're at a point where we put in for a quarter ID program grant, did not get it, but got a lot of input that we had a great line, there were technical problems with the application, not the application itself, administrative problems, and we should continue to move forward. At the same time we're in the works for a reestablishment of their long distance line through an FRA study. So we're continuing to work on all of those And then as an organization, valley Regional Transit is pursuing what it would take to use the corridor for regional rail by doing a planning environmental linkages study on that rail line with our local MPO.	https://theoverhead.wire.com/2024/02/unedited-podcast-transcript-468-on-the-bus-in-boise/	

20. 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 full name of an "alias" or "handle", including the complete URL and username with hyperlinks, 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.

Facebook: Elaine M Clegg [elaine.m.clegg](https://www.facebook.com/elaine.m.clegg)

Facebook: Elaine Clegg for Valley Regional Transit [clegg4VRT](https://www.facebook.com/clegg4VRT)

Twitter: Elaine Clegg, VRT CEO [@clegg4VRT](https://twitter.com/clegg4VRT)

Linkedin: Elaine Clegg, CEO, Valley Regional Transit [LinkedIn](https://www.linkedin.com/in/elaine-m-clegg/)

21. 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.

HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT HEARING "ADDRESSING
THE ROADWAY SAFETY CRISIS: BUILDING SAFER ROADS FOR ALL"
JUNE 8, 2022

Link to statement <https://www.congress.gov/117/meeting/house/114856/witnesses/HHRG-117-PW12-Wstate-CleggE-20220608.pdf>

Link to hearing <https://democrats-transportation.house.gov/committee-activity/hearings/addressing-the-roadway-safety-crisis-building-safer-roads-for-all>

22. 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?

My many years of service as an elected public sector city council member with oversight and accountability on policy and budget across the city organization and as a board member in many organizations working on local and national transportation issues has given me a depth of knowledge of the workings of complicated budgets in the \$100Ms. These were also experiences for which the ability to know and manage policy and oversight across a multi-faceted transportation organization—across both operations issues as well as policy improvements—has been a critical asset. I am a policy wonk who is never content with merely accepting what is without questioning what could be and how it could be done better and more effectively. Never short on ideas myself, my deep background in team sports has served me well to help find the best ideas collaboratively, whether mine or someone else's, and then pulling together as a team to move them forward. The challenges of reinvigorating passenger rail in the United States to act as a national connector while not losing sight of the focus needed on the important high-capacity corridors along the east and west coasts will require that kind of cooperative approach. I am excited to bring those skills to this important work at such a vital moment in the history of improving transportation choices and connections in the US. I am also eager to explore the promise of high performing rail corridors that look to maximize the service of these important rights of way and utilize the joint freight/passenger potential as a feature not a bug.

23. 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?

Board members have a responsibility to do their homework before board meetings, request material they think is necessary to provide good oversight, engage at board meetings with questions and comments and to understand the budget and any budget materials provided. Those who know me will tell you that I am that kind of board member. I always come prepared, I always ask questions beforehand if there is something I don't fully understand, I listen to presentations and engage in discussion around them, I am never afraid to ask to remove things from the consent agenda if needed or to hold things for follow-up if they are not ready for decision. I am a stickler for process, as good process leads to good information which leads to good decisions. I have spent much of my working life developing skills and strategies to foster and listen to productive insight from the public on issues they care about. For over 19 years as an elected public sector city council member, I had oversight and accountability on policy and budgets in the \$100Ms, across 12 complex departments in the city organization. I oversaw the implementation of a new procedure using the city council office of internal audit to regularly audit everyday expenditures at the city not just to find the pennies that were not being spent appropriately but to report and provide recommendations to improve procedures and processes that were not working correctly. This improved the efficiency of the financial transactions at the city.

That oversight led to clean audits. Importantly, it also raised confidence in the expenditure processes that allowed us to move policy more quickly to implementation by managing the funding effectively in a priority-based budgeting process. Getting to best outcomes requires not just spending the money according to the rules, but also spending it to move forward most effectively on priorities. I will bring that commitment and experience to this position.

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

The National Passenger Rail Corporation, Amtrak, has been challenged since its inception with uncertain future budgets and unpredictable policy support. The lack of certainty and predictability has contributed to the three challenges now facing the organization. And yet the Bipartisan Infrastructure Law (BIL) authorized more funding for rail projects and operations than the U.S. has seen in decades. Spending that money and doing it well overarches all issues.

- A. The Northeast Corridor (NEC), while very successful, was developed with a heavy commuter focus. Amtrak owns much of the right-of-way along the NEC and there are portions in need of modern improvements and other portions where those improvements must be done collaboratively with partners. The

equipment is old. The BIL authorizes historic levels of funding to meet these challenges.

Simultaneously looking at different operational strategies to meet a new demand less focused on commuters, taking delivery and testing the new equipment that has been ordered but is late arriving due to supply chain challenges and developing the plans, designs and then constructing the needed infrastructure improvements must be achieved for the NEC to live up to its potential.

- B. The areas in the U.S. that are not on the east or west coasts have spotty passenger rail service. In some places the service does not meet expectations for on time performance or quality. It is plagued in many places with delays due to operating on freight rail corridors. In others the rail is lower speed and the run times are long. Some parts of the US, particularly the intermountain west, lack service entirely. Connections between routes and between important destinations are not timely. In the face of these hurdles many are judging whether the system is worthy of more investment.

Building national support to invest in rail on par with the investment this country made in highways in 1956 would change the face of travel in the country. It would grow the economy, allow winter trips that are not being taken today because of weather-related barriers, serve numerous city pairs that have no travel options except driving under the current system, bridge the great distances in the west and provide more timely connections across the US. To prompt more support, Amtrak must try new ideas. More effective operation/management contracts and systems such as the Capitol Corridor in California that allow freight and passenger to not only coexist but to thrive in moving more freight and more people on time should be explored. Upgrading equipment and amenities for a better trip, trying new ideas such as interlined routes and overlapping more effectively with state supported routes to achieve higher frequency may be options. If successful, the system can become as well-traveled as rail systems in other parts of the world and can build bipartisan support for the investments needed to make it work.

- C. Amtrak is in the midst of hiring (and rehiring) an unprecedented number of staff. Finding the right people, getting them trained, and putting them into service while keeping safety at the forefront is not an easy task, but is necessary to run the system that many envision. Staff alone won't make the organization run better unless they are the right people, with the right task. The board oversight of management can help deliver on that.

I have the intersection of Board expertise, budget experience and policy knowledge, paired with a big picture outlook to address these challenges.

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, such as a 401(k) or pension plan.

- I currently work as CEO of Valley Regional Transit, the regional transit authority for Ada and Canyon Counties in the Boise ID metropolitan region. I am a fully vested member of the Public Employee Retirement System of Idaho (PERSI), a defined benefit pension plan. I hold a small 401K account with PERSI
- I was an elected member of the Boise City Council for 19+ years and also participated in PERSI through the city and hold a 401K through the city.
- I previously worked for the non-profit Idaho Smart Growth and hold 401Ks from that time.
- I hold small 401K funds from working at PayLess Drug Store early in my career.
- My husband has worked for Jacobs Solutions Inc, previously CH2M Hill Inc. for over 45 years, he still works part time. We hold a small defined benefit pension from the first few years of his service. We hold larger 401K funds and have reinvested stock and other assets from his time there in IRAs ROTH IRAs and Annuities.

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 plan to continue employment as CEO of Valley Regional Transit and to retain positions as a member of the Boards of The Bus Coalition, the Community Planning

Association of Southwest Idaho and the Treasure Valley Clean Cities Coalition, and membership on the American Public Transportation Association High Speed and Passenger Rail committee. I would intend to retain memberships in The Women's Transportation Seminar, ULI, Idaho Chapter, APA Idaho Chapter and non-profit memberships in Idaho Smart Growth, the Idaho Walk Bike Alliance and the Treasure Valley Canopy Network..

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 official 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. None.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest. None.

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.

I have commented and advocated to the Idaho congressional delegation for transportation policy on every reauthorization since 1998 particularly working to help the delegation understand strengths of a balanced transportation systems with multiple mode options and in support of establishing a Safe Routes to School policy and program during the TEA-21 and SAFETEA-LU reauthorizations. Later I worked with the Idaho congressional delegation to ensure SRTS was continued in the consolidation of Transportation Enhancements and SRTS into the new Transportation Alternatives program in Map-21. Most of that advocacy was related to my work at Idaho Smart Growth.

As a Board member for the Association of Metropolitan Planning Organizations (MPOs) I served on a study committee that included representatives from other national organizations in preparation for the Map-21 reauthorization that worked to develop policy options designed to make MPOs more effective and efficient and ultimately supported only minor policy changes and an increase in funding for planning grants to address the growth in the number of MPOs authorized during MAP-21.

As a private citizen and a city council member I have generally advocated for establishment of passenger rail service in Idaho since Idaho lost that service in 1997, including specifically supporting the bipartisan efforts of Senators Crapo and Wyden to study the restoration of the Amtrak Pioneer Route in 2008 and 2009 to the Idaho congressional delegation and germane committee members.

At Idaho Smart Growth I convened the voice of the non-profit planning community to develop positions on state policy issues from 2014-2016. My job was to then inform members of our organization on those positions and ask those members to comment to their legislators. Those positions were generally protection of the Local Land Use Planning Act provisions on growth management, specifically annexation policy and area of city impact policy. That group also supported state support for SRTS after the changes consolidating it into the Transportation Alternatives Program in national policy during Map-21 that continued in the FAST-Act.

During the last decade I have advocated for better transportation policy and policy that impacts housing and land use at both the state and national level on several fronts. Most of this work was focused on transportation policy at the national level and much of it overlapped my roles on city council and at Idaho Smart Growth. This advocacy was informed by my membership and chairmanship of the Transportation and Infrastructure Services Committee (TIS) at the National League of Cities (NLC), my service as a City Council member and member of the Association of Idaho Cities board and legislative committee, as a member of the Greater Northwest Passenger Rail Working Group and most recently as a Board member for the Bus Coalition and Committee member of the APTA high Speed & passenger Rail Committee. This advocacy was generally in support of Safe Routes to Schools policy and programs; complete streets policies; bicycle, pedestrian and transit user safety policies including Vision Zero and Safe Systems; restoration of passenger rail service in the greater northwest, continued growth in rail funding and authorized transpor-

tation funding levels that supported growth in roadways, transit, bicycle and pedestrian, and rail infrastructure. Listed below are the issues I worked directly on with members of Congress or through my organizational representation and the organization I was working with.

2015–2020—Issues related to the implementation of the transportation reauthorization (FAST-Act) related to consolidation of the SRTS and Transportation Enhancements programs into Transportation Alternatives; issues related to implementing complete streets policies at U.S. DOT and the Idaho Transportation Department; establishment of a child pedestrian safety program in Idaho—advocated as Idaho Smart Growth representative to Idaho congressional delegates and germane committee members, and to state legislators and officials.

2015–2020—Issues related to the transportation reauthorization (FAST-Act) and advocating to broaden the flexibility allowed in the restructuring of the Surface Transportation Program into the Surface Transportation Block Grant (STBG); issues related to the implementation of the STBG program—advocated as a MPO and AMPO Board member and city council advocate to Idaho congressional delegates.

2009–2020—Issues related to general principals in the TIS policy; local control and flexibility in use of Federal highway trust funds including sub allocating funds to the MPO or local level; modal equity, intermodalism and multimodalism; user safety; streamlining project delivery and reducing duplicative and allowing concurrent reviews; increased funding for transit; comprehensive planning for passenger rail expansion; increase funding for rail infrastructure; rail safety including blocked crossings and information sharing around hazardous fuels movement; freight planning and discretionary grants; supporting further testing of alternative means of collecting funds for the highway trust fund; allowing technological innovations to be tested; continuing Federal support for airports; airport noise concerns as next-gen traffic control is implemented;—advocated as a city council member and member of the NLC TIS committee to Idaho congressional delegates and administration members at U.S. DOT

2020–2023—Issues related to transportation reauthorization/infrastructure package (Moving American Forward Act—H.R. 2); later the Infrastructure Investment and Jobs Act (Pub. L. 117–58); issues related to rental assistance and increased funding for housing assistance related to the financial pressures created by the pandemic; implementation of IIJA; issues related to the creation of a Greater Northwest Passenger rail working group; return of the Pioneer Rail Services; FRA Corridor Rail ID program; advocate for transit funding and flexibility; review disparity in airport funding issues in CARES Act—advocated as a city council member to Idaho congressional delegates.

2021–2023—Continued advocacy on issues related to the TIS policy specifically related to; new discretionary grant programs in support of sub-allocation; technical assistance to eligible applicants of new discretionary programs to ensure equitable access to those programs; safe systems approach to roadway injuries and deaths; increased support for passenger rail planning and expansion; improved rail safety and support for the *Bipartisan Railway Safety Act of 2023*; increased eligibility and funding for Build America Bureau financing tools; support of these issues in specific policies in the IIJA—advocated as a city council member and member of the NLC TIS committee to Idaho congressional delegates and administration members at U.S. DOT

JUNE 8, 2022—The Honorable Elaine Clegg, on behalf of the National League of Cities before the House Subcommittee on Transportation and Infrastructure Subcommittee on Highways and Transit, a hearing addressing the Roadway Safety Crisis: Building Safer Roads for All. Testimony encouraging a Safe systems approach to Roadway deaths using the Safe Streets and Roads for All program developed by USDOT.

2021–2024—issues related to expansion of passenger rail service in the US; creation of additional interstate compacts; completion of a long-distance study by the FRA; funding for revitalization and restoration of long-distance routes outside the Northeast Corridor, support for improving the Northeast Corridor; support for a Corridor Identification program; support for increased funding for CRISI, Crossing Elimination and R&E program; support for high performance rail corridors—advocated as a city council member and now as CEO of Valley Regional Transit and as a member of the Greater Northwest Passenger Rail Working group to Idaho congressional delegates, Commerce Committee members and administration members at U.S. DOT and FRA.

2023–2024—Issues related to the loss of fleet numbers and the aging of bus fleets in bus transit services across the United States due to reduced funding levels in MAP-21 and the FAST-Act; issues related to the cost increases due to supply chain

shortages and inflation for bus purchases, requesting a plus-up for bus and bus facilities funding to address the cost increases and shortages; and requesting a temporary waiver of Buy America rules for a particular small transit bus that is working to become Buy America eligible and offers a cost effective and service effective alternative for small bus purchases now—advocated as CEO of Valley Regional Transit and as a Board member of the Bus Coalition to Idaho congressional delegates.

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, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of court, 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.

Yes.

A lawsuit was filed against the City of Boise and named all city council members as well as the mayor and two administrative officials. At the time I was a member of the city council and was named in the lawsuit along with the other council members and the mayor. The plaintiffs alleged that the City's lease of a property for a homeless shelter violated the Establishment Clause because the lessee intended to include religious activities in its programming. The U.S. Court of Appeals for the Ninth Circuit dismissed the claims against me and the other council members. Case information below.

United States Court of Appeals, Ninth Circuit.

COMMUNITY HOUSE, INC.; Marlene K. Smith; Greg A. Luther; Jay D. Banta, Plaintiffs-Appellees, v. CITY OF BOISE, IDAHO; Boise City Council, Defendant, David H. Bieter, Mayor; Maryann Jordan; Elaine Clegg; Vernon Bisterfeldt; David Eberle; Jerome Mapp; Alan Shealy; Bruce Chatterton, Director, Planning and Development Services; Jim Birdsall, Manager, Housing and Community Development, Defendants-Appellants.

No. 09-35780.

Decided: October 06, 2010

Before ALEX KOZINSKI, Chief Circuit Judge, STEPHEN S. TROTT and N. RANDY SMITH, Circuit Judges.

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.

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 whistleblowers 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.

Elaine M. Clegg

www.linkedin.com/in/elaine-clegg-a2305815

PROFESSIONAL PROFILE

As a lifelong transportation wonk, I have the credibility and relationships to bring to the challenge of forging strong leadership and support for the Amtrak vision. My approach will apply my knowledge and imagination to offer practical, realistic, and creative solutions for safety, on-time performance, infrastructure upgrades, and expanded service and ridership. I bring a sense of urgency to the issues of passenger rail at this pivotal moment in its history within the United States.

KEY SKILLS

- Proven ability to innovate and find visionary solutions to unique challenges
- Skilled at building and reviewing budgets, emphasis on building a sustainable, fiscally sound future state.
- Excellent board management and organizational abilities
- Committed to fostering consensus and teamwork

EDUCATION

Boise State University
Boise, ID

Bachelor of Art, May 1997
Painting and Drawing Emphasis, minor emphasis History/Political Science, Graduated Cum Laude

Other, various locations
40+ National Transportation, Transit and Land Use Conferences, 20+ presentations

ASK ME ABOUT

- Playing Basketball in the Women's Sweet 16
- Painting Watercolors
- Whitewater rafting in Idaho

WORK EXPERIENCE

Chief Executive Officer, Valley Regional Transit
Meridian, ID | February 2023-present

- As first year leader of the **largest transit provider in Idaho**, initiated a significant redesign of the bus system adding frequency and span to increase ridership. Launched new branding, signage, brochures and other information to enhance rider experience. Commenced new budget practices and established effort to expand transit support and funding in Idaho.

City Council Member, City of Boise
Boise, ID | January 2004-2023

- **Council President, 2007-08, 2016-17, 2018-present.** Hired First City Council Manager and Internal Audit Director, initiated Office of City Council business plan with audited review of weekly city expenditures and orientation process for new council members.
- Sponsored an **innovative MOU between City of Boise and Valley Regional Transit (VRT)** to stabilize funding and service policy.
- **Leader of effort to restore passenger rail service** to the Treasure Valley
- **Council sponsor and leader for Comprehensive Plan update**, Zoning rewrite, sustainability planning, infill in transit service areas, context sensitive streets, smoke-free Boise, and Elaine Clegg City of Trees Challenge

Idaho Smart Growth
Boise, ID | May 1998 – 2023

- **Executive Director 1998-2004, Program Manager**, excellent program management demonstrated in **Coordinating Safe Routes to School (SRTS) statewide** for Idaho Transportation Department and **Direct assistance to over 40 Idaho Communities** developing plans and technical assessments
- **Developed, researched and authored four Idaho Smart Growth publications** on smart growth, SRTS, model policies and ordinances.
- **Lead fundraiser for major initiatives** in 1999, 2013-2016, 2020 and 2022

BOARD EXPERIENCE

Select Board Service regionally, statewide and nationally.
May 1994 – Present | rose to Board President/Chair in all organizations

- 2003-Present, COMPASS (Boise region MPO), Regional, ID
- 2006-2023, Valley Regional Transit, Regional, ID
- 2009-2023, Transportation-Infrastructure, National League of Cities, National
- 2009-2019, Association of Metropolitan Planning Organizations, National
- 2006-2023, Association of Idaho Cities, Statewide, ID
- 2005-2019, Surface Transportation Policy Partnership, National
- 2004-2012, ITD SRTS Advisory Council, Statewide, ID

STATEMENT OF
 THE HONORABLE ELAINE CLEGG
 COUNCIL PRESIDENT, CITY OF BOISE, ID
 ON BEHALF OF THE NATIONAL LEAGUE OF CITIES BEFORE THE
 HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
 SUBCOMMITTEE ON HIGHWAYS AND TRANSIT HEARING “ADDRESSING
 THE ROADWAY SAFETY CRISIS: BUILDING SAFER ROADS FOR ALL”
 JUNE 8, 2022

Good morning, Chairman DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis, and members of the Subcommittee.

I am here today on behalf of the National League of Cities to discuss the commitment of local governments to saving lives on our Nation's roads, streets, and sidewalks. Last year, 42,915 Americans died in motor vehicle traffic crashes. This annual death toll represents the entire population of cities like Burlington, VT, Jefferson City, MO, Woodbridge, VA, or Tigard, OR. In Idaho, this death toll is more than the populations of two of Idaho's largest cities, Twin Falls and Post Falls, in just two years. Year after year, we are losing entire populations of cities to this crisis on our roads, and that is why we must prioritize road safety now.

We must also acknowledge that safety is not a big city issue alone. Almost every small Idaho community has a highway running through and that transportation corridor is the lifeblood of their economy. Yet, towns are a place to stop, a place for residents to live safely, a place with a special purpose that caused them to be formed. After working with nearly forty small Idaho towns, I can tell you that highway choices can cause real blood shed when highway design does not connect their town but divides it. Too often, crashes that have maimed and taken the lives of locals simply trying to cross the street connect back to design issues—unsafe crossings, narrow inconsistent sidewalks, and little space for outdoor dining or other local economic drivers that make the city a great place. This doesn't serve Idaho or the small towns in all the other states, nor does it serve the drivers who are often haunted forever by the people they hit. We can do better, and we need to do better.

We also know that pedestrians and older Americans are especially vulnerable and make up an outsized proportion of the yearly deaths with fatalities increasing at a rate of 13 percent to 17 percent of all deaths for pedestrians. *The Governors Highway Safety Association believes this is the largest number of pedestrian deaths in four decades.* Fatalities among older Americans have increased 17 percent to nearly 20 percent of all deaths. Idaho had the most traffic deaths in 16 years in 2021, and one of the highest rates of increase in the Nation at 36 percent a—that is three times the average rate of increase in other states. The reality in America right now is that no matter the size of your community or whether it is urban, suburban or rural, this persistent issue hits hard at home and in your Districts. So many communities are concerned—from Idaho's communities to Doraville, GA, to Ferndale, MI, to Greenville, NC, to Culver City, CA—and taking action to set up plans and projects despite tough recovery budget cycles and difficult decisions.

As the U.S. Department of Transportation (USDOT) said so well, behind each of these numbers is a life tragically lost, and a family left behind. In Idaho, we take part in a memorial to line up shoes representing the pedestrians and bicyclists who have died in crashes in the last five years on the state capitol steps. At our ceremony each year, we hear from family members who have lost a loved one in one of these terrible crashes and learn about the personal human toll this takes on our families. There is the sad reality behind the numbers—like the mother who has raised her two daughters without their father after he was killed biking to work. These are stark reminders to double-down on what works and act to save lives today.

Zero is the only acceptable number of deaths on America's roads. Yet, many of the fundamental measures and guides of transportation are reasons that cities and towns cannot easily change our roads to be safer for everyone and reach this goal on our own. Collectively, federal, state and local governments must be willing to adjust our rules of the road for design and speed in order to save lives. Cities and towns have found that Federal measures and designs rely too heavily on car throughput measures set during the era of freeway building to keep single-purpose, high-speed, limited access roadways safe and moving. But no city or town is only a highway—Main Street America in cities small and large have a multitude of access points and users with a need to create safe and efficient access from their homes to their destinations. As a local example, an intersection near my daughter's house in Boise was recently redesigned with the benefit-cost of those moving

straight through the intersection prioritized above all other users. This means that it now takes her up to five minutes longer to drive her children to school; because to turn left she has to turn right, cross two lanes of traffic, travel a quarter of a mile, complete a U-turn across two lanes of traffic and then wait for the light to travel across the intersection she might have turned left at. It has forced the school district to change and lengthen bus routes as they deem the move too dangerous for their buses. The businesses on the four corners of this intersection are now all but impossible to reach on foot or by driving. The choice to prioritize that throughput was made without analyzing these other impacts.

As we begin a great time of rebuilding America's infrastructure, we need to work together to quickly adopt better measures and designs that can take into account more factors like speed, distance, impact on non-drivers, and time of travel. We believe that if we reset our goals and allow safety to be the primary measure, transportation engineers can modernize the foundational cost-benefit transportation measures and truly assess the costs America is now paying in lives. Growing communities like mine in Boise, Idaho, and smaller and rural communities I work with across the state and the country are ready to make the changes necessary to bring our road deaths down to zero, but we also realize we cannot do this alone. It will take action at the federal, state and local levels to reach this goal by removing barriers, changing the way we measure success, and inviting innovation where we have stagnated.

This is why the National League of Cities and all the communities taking action on road safety applaud the focus on safer streets for all from Congress in the bipartisan Infrastructure Investment and Jobs Act (IIJA) and USDOT with the new National Roadway Safety Strategy. The increase to state safety funding in IIJA especially through the Highway Safety Improvement Program (HSIP) was notable, and for communities, the new locally targeted safety program—the *Safe Streets and Roads for All* program—based on a Safe Systems approach will finally allow us to directly plan for and invest in needed safety projects all across the country in a condensed amount of time. Together with our regions and states, we hope to see what larger scale focus on safety might result in. We are also glad to see that Vulnerable Road User Assessments reporting will be done holistically and hopefully in concert with State Safety Plans, that can be informed by our Local Road Safety Action Plans. Cities and towns have been focused on plans and implementing safety solutions for many years, but we must be clear that we have found our efforts often thwarted from moving forward due to barriers created by the Federal and state foundational transportation guides, plans, and processes.

We also must be realistic that transportation safety has become an equity and resource issue where some disadvantaged neighborhoods, school districts, and cities were recipients of “improvements” that advantaged drivers traveling through their neighborhoods at the expense of residents. Additionally, when they could get safe designs adopted and approved, they could not pay for safety upgrades while others could, leading to higher death counts for many minorities and their communities. For example, one of the high-speed facilities was built on the edge of our downtown without marked safe crossings at most intersections so that drivers were not slowed. When the city attempted to add safer crossings, we were told there was no money and that it did not meet the benefit-cost test for drivers. It still haunts me today that a pedestrian was killed at one of those intersections, a woman about my age, and we still have not been able to add the needed safety infrastructure. The National League of Cities will continue to ask Congress to ensure that any modest increase in targeted safety Federal funds makes it to the cities who need it and that you use your authority to ensure changes to the measures and processes that determine the majority of the Federal funds through formulas so that proven safety countermeasures known to work on streets inside cities and towns are given equal footing if not priority.

Recommendations

As we move forward, one change we must all make was highlighted in the new USDOT *National Roadway Safety Strategy*. As policymakers, as drivers, as leaders—is to design and set policy that accepts our mistakes. Humans will absolutely make mistakes, but the consequences should not be deadly. This is the heart of the “*Safe System*” approach which works by building and reinforcing multiple layers of protection into our infrastructure to: 1) prevent crashes from happening in the first place and 2) minimize the harm caused to those involved when crashes do occur. The Safe System approach takes us back to the laws of physics—a pedestrian loses against a speeding car, a car loses against a larger truck, and even a truck against a train. It is a fatal combination of speed, weight, inertia, and impact. By addressing the design of our roadways through engineering and research that looks at the

speed, angles, and weight of crashes, we can begin to layer more protections that we so clearly need. I want to be very clear—crashes are still going to happen, but we want our residents to be able to walk away from a crash and be grateful that the system prioritized them.



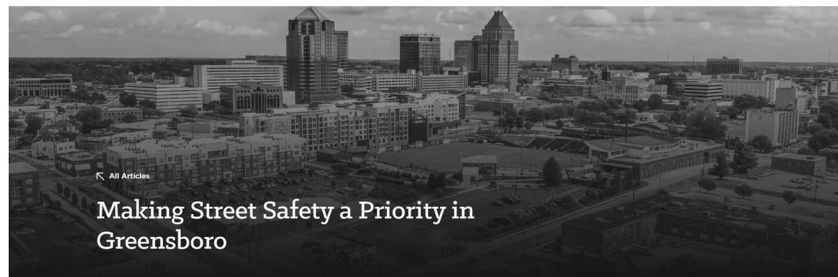
As we prioritize peoples' lives on our roads, the National League of Cities believes we should be open to analyzing if the structures we have put in place for roads are still serving us today, and we would like to share several opportunities for action both by Congress, the Administration, State Departments of Transportation, and the road safety community.

- *Encourage clarity in infrastructure spending:* Transparency is a powerful tool for instilling confidence in government investment as many communities from Georgia to California have seen with their infrastructure programs. Both Congress and USDOT lack granular clarity on formula funding provided primarily to State Departments of Transportation. With the flexibility and significant resources Congress has provided, funding recipients have a responsibility to show how the funding was invested and how progress has been made to ensure that the case for infrastructure investment is made clearly.
- *Increase transportation support to small and rural local governments—*America is a country built of small and suburban towns, and while they can clearly identify safety issues, many are not staffed or equipped to make the actual improvement themselves. The joint Local Technical Assistance support made available from the Federal and state levels far outstrips the needs of cities, towns and villages today. As an example, a small Idaho town that I assisted had a Public Works Director who was also the baseball coach and EMT. When we determined that the appropriate countermeasure included adding paint on one of the local streets, he brought out his baseball field striping machine to stripe the road. This is the same city that was supposed to maintain the pedestrian paint markings on the state highway because the DOT insisted the state highway's purpose did not include crossing pedestrians—that was a city need. In Idaho, our Local Highway Technical Assistance Council is far more resourced than have I seen in other states and might offer a model for how to get more of Federal and state resources to places that desperately need that capacity.
- *Expedite data delivery to inform safety:* The safety data reporting process moves quite slowly in a world that uses real time information. We are just seeing na-

tional data from 2021, and it is not yet complete or deemed ready for analysis. Yet right now, the FHWA, states, and researchers are seeking full and complete safety data sets in order to take on important Congressionally mandated tasks like the Vulnerable Road User Assessments and Vulnerable Road User Safety Special Rule. Given our road death rates, the U.S. cannot afford to delay prioritizing getting complete data sets ready for these assessments so we are not making today's decisions without complete information. NLC would also like to see more available Federal data sets from USDOT catch up to inform both current Vulnerable Road User Assessments and safety practices across regions so we can truly deliver safer streets for all.

- *Shift measures for safety:* What gets measured gets done, and the National League of Cities believes we should measure our progress in meeting our national safety goals. We also need to broaden our measures and leave behind the practice of using travel speed as the most important measure in a benefit-cost analysis. Analysis should address total travel time, impact on other users (including pedestrians, bicyclists and other drivers), average travel distance, and impact on travel distance and impact on the local economic output of the measures being recommended. When crashes do occur, states' processes and local first responders should prioritize consistent capture and reporting to ensure that more significant data is provided for research, including speed and roadway design factors such as visibility of users and roadway dimensions.
- *Reconnect the virtuous cycle of federally funded research with updates to foundational transportation decision documents:* Our transportation safety research investment from the Federal government cannot be disconnected from the data needed to update foundational Federal transportation decision documents, such as the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD), which IIJA has now put a shot clock deadline on. Ensuring that research activities such as the National Cooperative Highway Research Program (NCHRP) are fully connected to the MUTCD Request to Experiment and providing more Crash Modification Factors could begin to close the safety research gap and take some of the cost burden off those who want to innovate. Tying Federal research funding to required updates to foundational and federally supported manuals and design guides is not only a best practice but a good use of taxpayer funding.
- *Delineate MUTCD's purpose:* NLC and our local partners have requested USDOT consider how the MUTCD can best fulfill its intended purpose in delivering consistent road signs, lines, and signals across the U.S. in the upcoming update as well as setting up a Federal advisory committee to provide more balanced perspective. However, what started as a basic manufacturing specification of roadway devices in the 1930s has been burdened by serving too many purposes that have substantial costs. Local governments have found that MUTCD in its current form and governance is a roadblock to safety improvements and innovation while it remains an essential tool that must be updated to provide the minimum necessary guidance for the uniformity of traffic control devices.
- *Large vehicle design standards must be analyzed:* USDOT's National Highway Traffic Safety Administration reports that pedestrians are two to three times as likely to die when hit by a pick-up or SUV than a passenger car, and that drivers of pickups and SUVs are three to four times more likely to hit a pedestrian while turning because of blind spots. Congress has the oversight to address this issue through vehicle design standards, road safety education, and even licensing. In Boise, we lost two citizens last year, a retired couple on their daily walk, who were hit by a turning pick-up whose driver did not see them. Both the driver and the car design are responsible to be able to see and safely respond to people outside the vehicle.
- *Engage America's youth in safety and transportation alongside the international community:* Road safety is an issue that spans farther than U.S. borders, and it is essential that America's youth are able to travel safely. The United Nations has proclaimed a *Decade of Action for Road Safety from 2021–2030*, to target a reduction of road traffic deaths and injuries by 50 percent by 2030, and engaging our youth is a key way to join this effort. Reconnecting them with a variety of travel modes that allow them access and independence will enable the transportation system to serve all of us more efficiently while providing youth the value to engage in their communities and with peers around the world. As a life-long transportation nerd, I also would love to have more youth look at transportation as a future career that can change lives at home and offer an ability to learn from other places.

Thank you for the opportunity to address the Committee, and I look forward to your questions.



The CHAIR. Thank you so much. Well, let's go to questions. Now, I know we have many members who have signed up, many of them remotely, but I am sure they will be coming on the screen. And we will start with questions with myself and then Senator Schmitt and so forth.

So, I wanted to ask the nominees, you all mentioned safety and thank you for that. According to the latest report I mentioned in my opening statement, there were 13 completed items, but there

are 30 recommendations. So one, how will you drive Amtrak to complete those items of safety and operations?

And number two, obviously very concerned about the Western Empire Builder and Coastal Starlite Service that serves many communities. How will you each commit to protect the Nation's long distance service, particularly in the West?

So. Mr. Capozzi, and then just down the line. Safety and service.

Mr. CAPOZZI. In terms of long distance service, I have to say I value all types of train service that Amtrak offers, long distance, state supported, on the Northeast Corridor services.

And I share your commitment to the long distance train service, and I would commit to that as a Board member. Equally as well as to security. Safety, security, and accessibility are kind of three legs to a stool, and I think they are all very important.

The CHAIR. Mr. Lathem.

Mr. LATHEM. Preventive maintenance is very important to me. I think if we did a lot more preventive maintenance maybe we can handle some of the issues that come up. And long distance transportation is definitely important, so I support you in that area.

The CHAIR. Thank you. Mr. Batory.

Mr. BATORY. Yes, Chair Cantwell. Safety never sleeps. Safety is the cornerstone of good business. Safety requires constant focus. And I have been committed to safety my entire railroad career and it is unwavering.

In so far as the train network system of Amtrak, I am a proponent of the national network as related to long distance trains, state-supported trains, the Northeast Corridor, insofar as how it connects and creates a national network.

The CHAIR. Thank you. Ms. Clegg.

Ms. CLEGG. Thank you, Chair Cantwell. I have worked on safety my whole career. Before this job, I worked on bicycle and pedestrian safety and transit safety, bringing forward the process that helped develop the safe systems approach that the FHWA is now using for those modes of travel.

Safety is always top of mind. While at the National League of Cities GIS Committee, we worked with railroads and communities across the country to ensure that communication between the railroads and first responders was what it should be, so that if incidents did happen, those first responders could respond well, and we will bring that experience.

As you know, I am from the West and very interested in expanding the long distance network, as well as making sure that it ties in well to the Northeast Corridor so that we have a connected system.

Helping people get from one place to the other means not just one city to the next city, but from wherever they are to wherever they want to travel. And to do that, we need a much better connected system of travel on the railroads in the United States. I will work toward that.

The CHAIR. Thank you. Well I appreciate your commitments. I am definitely going to ask a few more detailed questions on safety for the record, but I want to get your thoughts about the Cascade services, because pre-pandemic, you know, we had a lot of issues.

We were able to restore, you know, Seattle to Portland, but there was a lot of banging on the door. And so this issue of where states have big concerns, how does Amtrak communicate to them and, you know, without having us be right in the middle of it. So right now, the Amtrak Cascade's trains only arrive on time 64 percent of the time.

So this is the third worst performing state supported in the Nation and it is really unacceptable. So, what can you do to improve the performance of the Cascade route? Right down the line. Ms. Clegg, do you want to start this time?

Ms. CLEGG. Sure. You know, on time performance is a long-standing issue. I don't have any magic. I will add that in addition to living in the logging camp, my grandfather had to ride the logs down the river and deliver them to the mill.

And when there was a logjam, he had to break it up. And he talked to me about how to do that. And he did it by looking at it from all perspectives, poking around, finding something that would move, seeing if he could get that move, and then the next thing, and the next thing.

That is how I will approach these issues at Amtrak, poke around, ask a lot of questions, try to see what we can get moving.

The CHAIR. Mr. Batory, on time service?

Mr. BATORY. Yes, Chair Cantwell. As far as the Pacific Northwest is concerned, I was somewhat surprised by hearing your remark that it was in the mid 60s.

There is obviously a major opportunity for improvement, if that responsibility toward improvement resides with Amtrak and the host railroads. And that is where it should be addressed and that is where it needs to be resolved, not through third party intervention.

The CHAIR. Thank you. Mr. Lathem.

Mr. LATHEM. I was thinking it still comes down to preventive maintenance. Not just the rails, the locomotives themselves, the depots to make sure that everything is operating the way it should be operating, especially the machinery which is preventive maintenance.

The CHAIR. Thank you. Mr. Capozzi.

Mr. CAPOZZI. I think it goes back to Amtrak's mission. And Amtrak's mission is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip time competitive with other intercity travel options.

And, you know, I think we need to be driven by the mission to ensure that we meet that, you know, through all facets of Amtrak travel.

The CHAIR. Thank you. Thank you all. Mister—Senator Schmitt.

Senator SCHMITT. Thank you. Mr. Lathem, I do have a couple of questions for you. According to public reporting, in 2009, you traveled with a three person delegation of union leaders to Venezuela to explore the possibility of trade or exchange directly between Venezuela and the Port of Wilmington. You attended this trip, correct?

Mr. LATHEM. Yes.

Senator SCHMITT. OK. The Venezuelan government funded the trip?

Mr. LATHEM. No.

Senator SCHMITT. OK. In a previous interview, you said yes.

Mr. LATHEM. A Government funded trip?

Senator SCHMITT. Yes. The Venezuelan government funded the trip.

Mr. LATHEM. Oh, yes. The Venezuelan government, yes.

Senator SCHMITT. Did you meet with Hugo Chavez while you were on the trip?

Mr. LATHEM. Yes.

Senator SCHMITT. OK. Did you also attend a Chavez rally while you were there?

Mr. LATHEM. Yes.

Senator SCHMITT. OK. You told the *Delaware News Journal* at the time that based on what they have done in this state, they have been very benevolent, referring to the Venezuelan regime which had sent millions of gallons of free or discounted oil to Delaware in an effort to embarrass the Bush Administration. Would you still characterize the Chavez regime as benevolent?

Mr. LATHEM. No, I have never said they were benevolent.

Senator SCHMITT. OK. Well, we are happy to get you—

Mr. LATHEM. I didn't support the regime then and I don't support it now. My understanding was, is that—I don't remember whether it was a Kennedy or not. He was getting oil from Venezuela. He was giving the people that didn't have the means to get oil. I had nothing to do with it. That is just my understanding of what the situation was.

Senator SCHMITT. OK. And then the next year—well, in 2011, you went back, is that right?

Mr. LATHEM. Yes.

Senator SCHMITT. As part of a delegation of the African Socialist International?

Mr. LATHEM. Again, was invited, yes.

Senator SCHMITT. OK. Are you familiar with the political opinions of the ASI?

Mr. LATHEM. No.

Senator SCHMITT. OK. Well, ASI explicitly said it went to Venezuela, the trip that you were on, to express our unity—"to express our unity and support for comrade Hugo Chavez in his efforts to lead Venezuela in the nationalization of its resources and the resistance to U.S. imperialism's attempt to control those resources." You find that statement concerning?

Mr. LATHEM. Again, I went as a guest of President of the Building Trades of Delaware.

Senator SCHMITT. OK. Mr. Batory, I do want to ask you what—you know, I expressed some concerns about some geographic imbalance with the Board and not adequately representing the Midwest. What perspective would you bring to make sure the interests of Missourians are considered on this Board?

Mr. BATORY. Senator, I am quite familiar with the existing network, as well as the legacy or history of that network. It has been rationalized, OK, over its 50 years of plus of history.

There is opportunity nationally because geographic populations have changed. We nationally have a service between Chicago and

St. Louis and then to Kansas City with the nickname of the Mule—

Senator SCHMITT. The River Runner.

Mr. BATORY. The Mules there between Kansas City and St. Louis. And there is a lot of opportunity for improvement, especially from St. Louis to Kansas City, in so far as hosting and train operations.

There is definitely a physical plan improvement considerable between Chicago and St. Louis, with speeds up as high as 110 mile an hour and it is operated quite well. It has some degradation of recent.

But those are opportunities that exist throughout the national network. And I think we need to look at them, to seize those opportunities, and spend our money wisely.

Senator SCHMITT. OK. Thank you, Madam Chair.

The CHAIR. Thank you, Senator Schmitt. Senator Hickenlooper.

**STATEMENT OF HON. JOHN HICKENLOOPER,
U.S. SENATOR FROM COLORADO**

Senator HICKENLOOPER. Thank you, Madam Chair. I thank all of you for being here today, but also for your commitment to public service. We will start with—I have got a few questions, so I will—try and keep the answer relatively short.

I will start with Ms. Clegg. And you talked a little bit about the importance of long distance rail in the West and access in Idaho. Obviously, the California Zephyr Amtrak route passes through Colorado, connecting the West Coast to the Midwest.

Additional—potentially, additional service in Colorado along the Front Range Corridor really up, probably up into Cheyenne, Wyoming would provide additional economic opportunities, expand transit options for communities along the entire route.

Looking at Idaho, the Front Range of Colorado and Wyoming, if you are confirmed, do you know, is there a way to begin the process of looking at these routes and the expansion of—the potential expansion of Amtrak routes?

Ms. CLEGG. Chair Cantwell, Senator Hickenlooper absolutely there is a way, and I think that it starts with what you help form in Colorado with Front Range Commission.

Those local groups that bring the local expertise and knowledge of what is happening in their region, can band together and put in for a corridor identification program applications such as the Big Sky Rail Authority did in Montana.

Such as the City of Boise, City of Salt Lake, and cities in between are reapplying for in the Idaho, Utah region. If we get some train on the track, and including from Pueblo to Cheyenne, then there—it will make so much sense to connect those to the longer distance network.

I am excited that the FRA long distance study is—has identified the old Pioneer route, the Desert Wind route, the route from not just Pueblo to Cheyenne, but all the way to Billings as potential expansion, and we will work toward those.

Senator HICKENLOOPER. Great. I appreciate that and I agree wholeheartedly. Mr. Lathem, the FRA, the Federal Railroad Administration, completed a safety audit of Amtrak in November

2022. Found a strong culture of safety at Amtrak, but you know, there is room for improvement.

The report recommended that Amtrak improve its equipment testing, focus on—additionally focus on worker safety. If you are confirmed, how could you ensure Amtrak continues to build on safety culture and prioritize the recommendations from the FRA safety audit that still remain outstanding?

[Technical problems.]

Mr. LATHEM. Are we making it a priority and are we fulfilling the mission of which we have as a Board to make sure that safety is a priority.

Senator HICKENLOOPER. OK. I couldn't agree more. I appreciate your history of emphasizing worker safety along the way. Mr. Capozzi, in your testimony, you highlighted the importance of ensuring Amtrak's services remain accessible to passengers with different—differing abilities.

The Americans with Disabilities Act is one of the cornerstones for equity in the United States. And I think recognizing the leadership of Senator Duckworth here in the Senate, the FAA Reauthorization Act of 2024 includes strong protections for airline passengers with disabilities.

Mr. Capozzi, if you are confirmed, would you commit to Amtrak and its participation in the Passenger Rail Advisory Committee that it is responsive to the concerns raised by passengers with disabilities?

Mr. CAPOZZI. Absolutely. I mean, that has been my career and that will be my focus on the Amtrak Board, if I am confirmed.

Senator HICKENLOOPER. I appreciate you and all your history of service along this—on these issues.

Mr. CAPOZZI. Thank you.

Senator HICKENLOOPER. Mr. Batory, I am very proud, I think, to get all four questions in. Amtrak's financial reporting indicates 80 percent of the losses in Fiscal Year 2023 were from the long distance service or the service corridors.

Clearly, though, communities along existing and future long distance routes, especially in the Mountain West, benefit significantly from reliable passenger rail service. So, Mr. Batory, what can we learn from Amtrak's history operating long distance service routes to ensure that we grow the network while maintaining financial sustainability?

Mr. BATORY. Thank you for that question, Senator. There is continuous, if you will, evolution of questions and answers that have to be addressed at any scheduled network. Long distance trains being a major component of that. And that needs to continue.

With that continuation, I am of the belief that long distance trains are an integral part of tying this country together, as I mentioned earlier, with all the state-supported services, as well as the Northeast Corridor.

There are lessons to be learned every day, every year. And from those lessons learned, OK, you want to build upon what we learned and make improvements, and not accept status quo as being the norm.

Senator HICKENLOOPER. Great. I would like to put an exclamation point behind that statement.

Mr. BATORY. Thank you.

Senator HICKENLOOPER. Thank you all for your service. Madam Chair.

The CHAIR. Thank you so much. Senator Fischer.

**STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Madam Chair, and thank you for holding this hearing today. Mr. Batory and Mr. Capozzi, I recently introduced the Amtrak Transparency Act. This legislation's goal is to improve transparency within Amtrak's Board of Directors and increase opportunities for stakeholder input into Amtrak's decision-making processes.

The legislation aims to build public trust and ensure that Amtrak's governance aligns the highest standards of accountability, particularly given its reliance on taxpayer funding.

If confirmed, how would you work to improve to increase transparency and accountability by the Amtrak Board?

Mr. CAPOZZI. I will go first. Thank you for that question. I am familiar with the legislation, and I understand that compensation and awards are a very complex and personal issue. I also understand the need to retain highly performing employees, but I also understand the need for transparency, and I really support that.

And I understand that Amtrak has already provided some information publicly. I would like to see that actually a little bit more transparent so that it is more discoverable on its website.

Mr. LATHEM. I support more transparency.

Senator FISCHER. That would be good. That would be good. We appreciate that. You know, earlier this year, Senator Cruz and I, we sent that letter to the Chairman questioning how Amtrak gave \$75 million in bonus payments despite a \$1.75 billion net loss.

And Amtrak did announce that it would begin to publicly share the bonuses it awarded to executives. Mr. Batory and Ms. Clegg, if confirmed, would you commit to increased transparency regarding those bonuses and be able to not just provide the transparency on the amount, but why such bonuses were given in the amounts that they were?

Mr. BATORY. Thank you, Senator Fischer, for that question. Yes, to your questions. Executive compensation, incentive compensation is nothing new, but as far as my experience, especially in the private sector, OK, the disclosure is very transparent. Not only the monetary amounts, but the methodology in which it is applied, and I see no reason why Amtrak wouldn't follow such a model.

Senator FISCHER. Thank you. Ms. Clegg.

Ms. CLEGG. Thank you, Chair Cantwell, Senator. I have always served on boards that have open meeting law requirements and have never had any problem with transparency in those situations.

Would continue to be open to exploring that for the Amtrak Board. As far as the executive compensation, I think, you know, if you look at the system of executive compensation around the country, the fact that Amtrak has it is not the issue.

The issue might be from a Board position, if I am confirmed, what are the incentives? What are the outcomes where after—how

do they compare to the financials of the organization? As a Board member, I think it is fine to give executive compensation.

That is what private sector does around this country. But making sure that you are doing it in a way that is both responsible and brings the outcomes that you need is the issue, as far as I can see.

Senator FISCHER. If any of the members of the panel who are before us today, have any of you gotten information on what the reason was for that amount being given as bonuses to those individuals? I can't see you. So if you could just go down the row and be able to answer that, please.

Ms. CLEGG. Senator, this is Elaine Clegg. And no, I don't. But if I am confirmed to the Amtrak Board, I can assure you that I will know next time.

Senator FISCHER. Thank you.

Mr. BATORY. No, Senator, nothing was disclosed to me preceding this hearing. But should I be confirmed, it would definitely be of my interest, and I think the colleagues of the Board to know not only the monetary amounts, but what constitute those monetary amounts and does the methodology follow good business practice.

Senator FISCHER. OK.

Mr. LATHEM. Senator, no.

Senator FISCHER. Next.

Mr. CAPOZZI. No, Senator, I haven't had any previous discussion.

Senator FISCHER. OK. Thank you. I know that the Amtrak Board of Directors, they do not conduct open meetings as other federally chartered entities do.

And my legislation would expand the Board meeting requirements to include representatives from state sponsored and long distance routes, as well as rail passenger groups that have a keen interest in Amtrak decisions.

I would ask to all nominees if confirmed, would you commit to working with stakeholders like State DOTs and rail groups so that they can have a seat at the table?

Mr. CAPOZZI. I will go first. This is David. I think public outreach is one way that Amtrak can improve its standing with all parts of the community, including the disability community.

And in fact, the Infrastructure Investment and Jobs Act now requires that Amtrak Board meet at least annually with representatives of Amtrak's employees, representatives of people with disabilities, and the general public to discuss financial performance and service results, and more meetings like that I think would be very helpful.

Senator FISCHER. Including our State DOTs and rail groups?

Mr. CAPOZZI. Absolutely.

Mr. LATHEM. Meeting with stakeholders is always important.

Mr. BATORY. Yes, Senator Fischer, I concur with that approach. I think the more communication you have with real advocacy groups, as well as with real labor, and definitely the State DOTs, would be beneficial to the overall network of Amtrak.

Ms. CLEGG. Senator, I have always worked collaboratively. That is the way that I have learned I can get things done. Over the last three years, I have worked closely with many of those advocacy groups. I know them well. I would continue to communicate with them.

I believe it is in Amtrak's best interests to create good relationships and good communication with all groups, including State DOTs and local commissions, as well as the advocacy groups.

Senator FISCHER. Thank you. Thank you all very much, and thank you, Madam Chair.

The CHAIR. Thank you, Senator. Senator Markey, are you ready to go? OK. Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Madam Chair. Welcome. The bipartisan infrastructure law ushered in an historic era of investment for passenger rail in the United States. This funding is already at work building new rail corridors, expanding rail service.

It is really doing a great job, and the President deserves all of the credit in the world for helping to lead us. And we thank you, Madam Chair, for all of your work as well.

So for each of the nominees, please answer yes or no, do you agree that in order for passenger rail to succeed in this country, it needs reliable, sustainable funding, building on the investments of the bipartisan infrastructure law?

Mr. CAPOZZI. I will start and yes, but I also want—

Senator MARKEY. Yes or no.

Mr. CAPOZZI. I also want to congratulate you on all of your years of service on behalf of people with disabilities and for your commitment to accessibility.

Senator MARKEY. Thank you. Thank you. I guess we will allow that.

[Laughter.]

Senator MARKEY. Thank you, Mr. Capozzi. Mr. Lathem.

Mr. LATHEM. Yes.

Mr. BATORY. Yes.

Ms. CLEGG. Yes. Probably the most important thing.

Senator MARKEY. The most important thing. So, Mr. Batory, do you agree, yes or no, that the number one priority for Amtrak must be safety?

Mr. BATORY. Unequivocally, yes.

Senator MARKEY. When it comes to trains, safety must be our top priority. There is no better way to ensure the safety of both passengers and the communities nearby railroad tracks than to have a well-resourced, experienced rail workforce.

This committee has heard over and over again that having multiple crew members on the train in East Palestine increased safety and help prevent the disaster from being even worse. And the Federal Railroad Administration's objective research on this issue is even clearer.

When the FRA has—while the FRA has found that technology can make our trains safer, it also found that technology is no replacement by having multiple crew members on each freight train.

And despite these safety benefits, when you led the Federal Railroad Administration, you rolled back the requirement that freight trains have two person crews. So Mr. Batory, yes or no, do you believe that it is safe to allow one person to operate a two mile long train?

Mr. BATORY. Senator, I will just answer it this way. I have no “yes or no” answer because I do not believe that there is a uniform crew size that fits the entire network in the United States of America.

I will say though that we do have a very effective tool called—from Congress called the Railway Labor Act. It is 98 years old, and I used it all 46 years of my railroad career successfully, and that was seeing rail labor and railroads negotiate working conditions, benefits, as well as compensation, and that is where it belongs.

Senator MARKEY. Well, Mr. Batory—

Mr. BATORY. And that is how we achieved what we achieved today in the way of crews size from five and six people down to two to three today—

Senator MARKEY. Well, I think—

Mr. BATORY.—and the people closest to the railroad industry—

Senator MARKEY.—you talk about collective bargaining, but then are responsible for making sure that there’s safety, you know—that we put safety number one. You already agreed on that.

Mr. BATORY. I will never compromise safety.

Senator MARKEY. Well, you were the top rail safety regulator at the time. I need to know whether you thought allowing fewer people to operate long, dangerous trains made the system safer? So let’s review, Mr. Batory, what the research from FRA actually says.

Multiple reports over the past decade found that technology simply cannot replace the safety benefits of having a multi-person crew aboard a train.

Those reports found that the technology that the railroads say can replace certified conductors does not check alertness or fatigue of the engineer, does not assist with physically demanding tasks like securing a train with handbrakes during an emergency, and does not assist the engineer when complying with restricted speed zones and avoiding on-tracked collisions.

In fact, operating the technology can actually distract an engineer from what is happening outside of the train. From Quebec to North Dakota, we have seen over and over how expert teams of crew members can save lives.

And that is why I am so proud to say that my provision to require two person crews on freight trains was included in the Railway Safety Act. We thank you, Madam Chair, and I will always work to ensure safety is our top rail priority, whether those trains carry freight or passengers.

I think it is imperative for us, and it is actually why I was working with Senator Vance on including that language in the bill. That is about as bipartisan on this committee as you are ever going to get.

The CHAIR. Thank you, Senator.

Senator MARKEY. So it is imperative that we move forward, and I thank you, Madam Chair.

The CHAIR. Thank you, Senator Markey. Thank you for that important leadership. Senator Moran.

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Chair Cantwell, thank you. I welcome our nominees and thank you for your willingness to serve. We have had a conversation with about every nominee that has been in front of this committee since I have been on it, which is now years, regarding—in regard to long distance or long distance passenger rail service.

And several of you are returnees who have answered my question before so I will ask for you to recommit to long distance passenger service? And I will ask the two others to tell me what their views are on the importance of that long distance passenger rail service?

I am pleased that we have a university resolved panel in front of us. Diversity meeting geographic, and the President has made nominations that are now in compliance with the law that require there be a broader spectrum than just members of this Amtrak Board that live in the Northeast Corridor.

So, Mr. Capozzi, when you testified before the Committee in 2022, you shared, I am quoting you, “I support your commitment,” speaking of mine, “to a long distance train service, and that it is accessible to everybody.” Is that still true? Anything you would want to add to that to further make sure I don’t put a hold on your nomination?

Mr. CAPOZZI. That is still true. Senator, thank you.

Senator MORAN. Thank you. And the same for Mr. Lathem. You answered in response to that “committed.” Anything you want to expand that or any reason that I should have any doubt about your commitment?

Mr. LATHEM. No, Senator.

Senator MORAN. And so that leaves me with the two additional nominees. Mr. Batory and Ms. Clegg, tell me what your commitment is to long distance passenger rail service, and tell me—and in Kansas to do that—to us, that generally means the Southwest Chief and in the future, potentially the Heartland Flyer. What should I know about your work on the Board that would assure me that long distance passenger service is a priority for you? Ms. Clegg.

Ms. CLEGG. Chair Cantwell, Senator Moran, I have been working for the last three years to expand the long distance system. Absolutely, the Northeast Corridor is important to Amtrak, but without that connecting long distance system, it doesn’t serve all of the Americans in the United States. And this is an American system, not a Northeast system.

As to the Southwest Chief and the others in this Southwest absolutely committed to improving service to them, but also to adding service by adding new connecting routes that will make that service more useful to the residents of the Southwest.

Senator MORAN. That is exactly the circumstance we have in Kansas. Thank you. Mr. Batory.

Mr. BATORY. Yes, Senator. Proponent of long distance service. A particular example that associated with your state was the Southwest Chief. And we worked very hard with Amtrak to ensure that positive train control was being implemented to ensure that the

Southwest Chief would not be bifurcated, if you will, and continue its operation.

And I think that the national network of 15 long distance trains, OK, naturally require review, not unlike all the state-supported trains and those on the Northeast Corridor. Nothing ever stays the same. It requires continuous review.

And but it does create a network for this country, and every effort should be made to maintain that network, and long distance trains play a vital role.

Senator MORAN. I am going to take the four of your statements as satisfactory by my standard, and I look forward to your confirmation on the Senate floor.

This issue arose for me just for a moment of history when the six Senators, two from New Mexico, two from Colorado, and two from Kansas, met with a former CEO of Amtrak in which, in an offhand statement, indicated that the plan was to put bus service between Garden City and Tucumcari.

It caught me by surprise, and it absolutely made no sense to me that anybody is going to get on the Southwest Chief in Chicago and go to Garden City, Kansas, and get off and get on a bus. And so, this attitude or approach to just, in my view, dismissing Southwest Chief and particularly long distance service in such a cavalier manner—when there are problems and we are working to provide resources, that means dollars to the railroads and to Amtrak to improve those that track.

But it doesn't mean such a dramatic and actually non-real solution to whatever problem existed at the time. And I am committed myself to trying to make certain that that kind of cavalier approach would not be supported by any member of the Amtrak Board. So thank you for what you had to say, and I wish you well.

The CHAIR. Thank you, Senator Moran. Senator Peters.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Madam Chair. And welcome to each of our nominees. Congratulations on your nomination and your willingness to serve in this important role.

I chair the Surface Transportation Subcommittee of this Full Committee and in July, I convened a field hearing in Lansing, Michigan to discuss investments made by the bipartisan infrastructure law, including passenger rail, which was a significant part. I believe it is a really exciting time in Michigan right now for train travel.

And specifically, we received a Corridor ID grant to explore increasing intercity passenger rail along every major route in our state and potentially, and this is very exciting, expanding the Wolverine line into Windsor, Canada.

This would mean returning passenger rail to the historic and recently renovated, beautifully renovated Michigan Central Station in downtown Detroit. So my first question is for you, Mr. Batory. I know you are a Michigan native as well, and that's a great credential to have, but I may—I am a huge advocate for passenger rail in Michigan, which is why I am working right now to secure \$2 million to fund the development of a new intermodal bus and

passenger rail facility at that Michigan Central Station, as well as a new station in Ann Arbor.

This summer, Michigan Central Station reopened its doors for the first time since 1967, and this new state of the art complex not only includes a rehabilitated transit station, but also research and development facilities where the future of urban transit is being designed, as well as being tested.

Now that we are beginning to see the early success of this rehabilitation project, I think it is critical that we work to restore Amtrak's presence in Central—at the Central Michigan—Michigan Central Station and make service between Detroit and Windsor, Canada a reality.

So my question for you is, if confirmed, will you support efforts to reestablish service to Michigan Central Station and expand Amtrak service routes throughout Michigan?

Mr. BATORY. Yes, Senator, I would. And I think there is an opportunity for us to provide a service that is better than what it was once known to be.

Senator PETERS. Good. Well, and if confirmed, I will look forward to working closely with you to make that happen. Ms. Clegg, expanding rail service to places like Michigan can and should include international rail travel, which is why I am so excited about this Windsor opportunity.

And as Chair of Homeland Security and Government Affairs, I am committed to working with all of the agencies involved to make sure that we can do that in a timely manner, as we cross international borders would require that kind of coordination.

So given your work, Ms. Clegg, in the Mountain West and in the Pacific Northwest, can you discuss the feasibility of coordinating rail travel across our Northern border? And do you think progress has been made on models that will allow that to actually happen?

Ms. CLEGG. Chair Cantwell, Senator Peters, absolutely. In Chair Cantwell's state of Washington, the state and the states of Oregon and the province of British Columbia are working hard to extend service regularly from Portland all the way to Vancouver.

As part of that, they are working on a system where that cross-border customs work will be done very quickly, very seamlessly as part of the trip and not take more time.

So I think there are examples of that happening. I think for our train system to be effective across North America, I think we need to expand those examples, and I am really happy to hear that Windsor is in the mix here.

Senator PETERS. Yes. Definitely is. And we are so exciting about that route. I just see this amazing corridor because we have the train now from Detroit to Chicago. So from Chicago to Detroit, to Windsor, and then Toronto.

I think that would be an amazing economic corridor to develop. And if you have got two major financial centers like Chicago and Toronto connected together and coming through Detroit, it will be a powerful driver. Kind of like the corridor we see here on the East Coast. Two major—three major cities all connected with high speed rail ultimately would be amazing.

So my last question is for both you, Ms. Clegg and Mr. Capozzi. I serve on the Senate Appropriations committee, and I am supporting an increase in Amtrak funding for the next fiscal year.

And I believe this money will allow Amtrak to sustain operations and maintain a state of good repair, and safely get passengers to their destination. So quickly, if both of you who could discuss the importance of adequate funding in the remaining time, which is limited?

Ms. CLEGG. Senator Peters, adequate funding is vital for Amtrak to continue to provide good service. Not just adequate but stable, being able to count on it not being an annual appropriation.

Senator PETERS. Great. Mr. Capozzi.

Mr. CAPOZZI. I would agree with that and especially in terms of accessibility. So Amtrak, as I said in my testimony, has about a third of its stations that fully meet the accessibility requirements under the ADA. And in order to get that to 100 percent, which is a goal publicly stated by Amtrak is 2029, is going to take a lot of money and a lot of commitment to make that happen. So, absolutely, you know, full funding is absolutely critical.

Senator PETERS. Right. Thank you. Thank you, Madam Chair.

The CHAIR. Thank you, Senator Peters. I don't see any of our colleagues on the other side. I know Senator Blackburn was on the screen, but I don't see her now. So I am going to turn to Senator Welch.

**STATEMENT OF HON. PETER WELCH,
U.S. SENATOR FROM VERMONT**

Senator WELCH. Thank you very much, Madam Chair. And congratulations to all of you. Amtrak is incredibly important to us in Vermont, as it is to citizens all across the country. But I really appreciate your service, and it is very, very, very important. Couple of questions that I have.

One is, we have had a lot of flooding in Vermont in the last couple of years and it has done a lot of damage to our tracks. There has been a number of delays in getting them repaired. It obviously has a huge impact on commerce and on travel.

And it raises the question that is being asked around the country about these weather events that are more frequent and more extreme. So I will ask a question, but all of you can think about it.

To Ms. Clegg, what kind of steps will Amtrak be taking to adjust frankly to the extreme weather events that are certainly occurring often in Vermont, and I know in many other parts of the country?

Ms. CLEGG. Chair Cantwell, Senator Welch, you know, I don't have a lot of expertise in that particular issue. I will commit to you that when I am confirmed to the Amtrak Board, I will dig in and find an answer, and work on it. As I mentioned earlier, I am not ever satisfied with just letting things be as they are. And this is certainly something that we need to work on.

Senator WELCH. You know, I appreciate that. I just would ask all of you, obviously safety is a major concern for you and the weather events are going to affect safety. But it really does, I think, raise different kinds of questions about resiliency and how you do repair in a way that hopefully will get us through the next storm.

A second issue that is really important for us in Vermont is the capacity of parents with young children and babies to change their babies. I mean, this is really, really important in order to have train travel be practical.

Twenty-eight million passenger trips in 48 states, the average duration of a trip on Amtrak miles traveled route, the Northeast Regional, last about three and a half to eight hours and most babies need to be changed every two hours, as you probably remember in the old days, many of you.

With Senator Blackburn, she and I have introduced the Baby Changing on Board Act bipartisan bill that would require all trains owned and operated by Amtrak to have a baby changing station in every accessible restroom marked with clear signage. I would just ask each of you, would you each be doing all it you can?

There is practical challenges to the implementation that would be the responsibility of Amtrak to adjust to, but that commitment to having that opportunity, the baby changing station for folks who are on these long rides didn't last longer than their baby can hold out.

Mr. CAPOZZI. So, this is David.

Senator WELCH. Yes.

Mr. BATORY. If I can go first. So I am familiar with the legislation, and I understand the need for it as being the father of triplets. I am sorry, I know how often kids have to get changed. The one thing that I would underscore, and I think there is a need for perhaps technical assistance in this area is when I was at the access board, providing baby changing tables and accessible restrooms often became problematic if they weren't installed properly because they would intrude on the clear floor space.

Senator WELCH. Right. No, I understand—

Mr. CAPOZZI. So I think that is an important consideration as well.

Senator WELCH. Look, there is practical problems, but what I am hearing from you are—you realize it is a practical problem—

Mr. CAPOZZI. Absolutely.

Senator WELCH.—for parents to travel. I am not going to go down the line because I am hoping that everyone would be as supportive as possible to deal with the practical challenges. I do want—Mr. Batory, I want to ask you about preclearance. We have a great train that we want—it goes to Montreal.

Preclearance will make a huge difference and for the ease of travel, so you don't have those long lockups at the border. And the Infrastructure Investment and Jobs Act required that Amtrak, in cooperation with the Department of Transportation and other Federal and Canadian entities, to issue a report with recommendations on how to improve cross-border train service.

This is really huge for us in Vermont. And if confirmed, Mr. Batory, will you commit to working with me and my colleagues to establish a preclearance facility? We need a facility in expedite travel between Vermont and Canada.

Mr. BATORY. Senator being a victim, if you will, on rail travel cross-border as far as delays, yes, you have my full commitment.

Senator WELCH. Thank you very much. Madam Chair, I yield back.

The CHAIR. Thank you so much. I am not seeing any of our other colleagues on the other side. I turn to Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Well, thank you. And thank you, Madam Chair, for this hearing. And everything has been said, but I haven't said it. That is our line in the Senate. And so, I had some other things, but I am proud to be here with all of you. Big fan of train travel and Amtrak.

As I always say, it is one way my husband and I can take a vacation and not get into an argument about directions, which I like. And I have been a big believer from the day that we first went to Milwaukee.

My mom, that is where her parents were from. And so, we would always take the train, it was then the Milwaukee Road, to Wisconsin twice a year. And I knew every town along the route and got to meet the conductor and everything else.

So aside from those romantic memories and the like, I think that so much of the argument we can make now is also an economic argument. And I guess I would start with you, Ms. Clegg. The Empire Builder Route is one of Amtrak's longest rail lines from Chicago to the West Coast, provides the vital link for many rural towns in Minnesota.

The rail line contributes approximately \$327 million to the economies of the states in which it operates. And Ms. Clegg, you noted that the Empire Builder is the only passenger service in your home state of Idaho with just one remote stop.

Can you speak to the economic importance of long distance routes for rural and frontier communities? Of course, we are very excited that we have now added another route from Minneapolis, from St. Paul, actually, to Chicago. And the numbers seem really good so far, but Ms. Clegg, if you could answer.

Ms. CLEGG. Thank you, Chair Cantwell, Senator Klobuchar. Long distance service is incredibly important to the economic vitality of the West.

In addition to the things that you noted on the Empire Builder that are economically important to Minnesota, I note that that route also serves a national park in North Dakota that otherwise wouldn't have many visitors. It also serves Glacier National Park in Northern Montana, as well as the town of Whitefish.

The town of Sandpoint, although it only arrives in the middle of the night, is in the area in Northern Idaho that is much visited by a lot of tourists, resort area. And so, just that alone creates economic vitality.

And the other thing that is important about that route that I think is instructive for how new routes in the West could work is that it also serves as a commuter route, long distance commuter route for many of the small communities along that route.

People who live in a remote area can still work in a place that is far away because of that train. So absolutely important.

Senator KLOBUCHAR. It is one of the reasons I have been advocating for this route. There is track already there between the Twin Cities and Duluth. And actually it was a priority of DOT, and

I have talked to Secretary Buttigieg about it, called the Northern Lights Express, nice name, and it would be a very, very good thing and a good deal. So we are still trying to get this done.

Ms. CLEGG. And congratulations on this success of the Borealis. It is great.

Senator KLOBUCHAR. Yes. Thank you for knowing the name of it. Another interesting light concept. I guess I go to you, Mr. Capozzi, on that. As noted, Amtrak launched the new Borealis route. It is the first time in 45 years that there has been twice daily trains from St. Paul to Chicago. Stops in Winona, Red Wing. Stops in Wisconsin.

As I noted, the ridership has exceeded expectations by as much as 27 percent, with over 47,000 riders from May to July. If confirmed, would you commit to work to improve and maintain passenger rail on these types of routes?

Mr. CAPOZZI. Yes, absolutely. As we talked before, you know, I support long distance travel or long distance routes, state-supported routes, the Northeast Corridor. It is—Amtrak is a national network, absolutely.

Senator KLOBUCHAR. Good. Anyone—want to add anything?

Mr. LATHEM. Senator Klobuchar, let me just say, you were one of my sheroes until Vice President Kamala came, but you still are. [Laughter.]

Senator KLOBUCHAR. Oh, thank you. Thank you. Thank you.

Mr. LATHEM. Absolutely, I will support it.

Senator KLOBUCHAR. All right. Very good. Mr. Batory.

Mr. BATORY. Yes, Senator. The 100 percent increase in frequency with the new service between Chicago and Minneapolis I think is a good news story. You know, time and distance breeds variability.

The Seattle, Chicago train actually has delay, but with its shorter distance route between Minneapolis, St. Paul, and Chicago, I think you will see better regular service in that corridor, and it will grow.

Senator KLOBUCHAR. Yes. And, you know, speaking of that, I know that Amtrak experienced its best operational performance ever in 2018, but they are still on time. I have had good fortune in the corridor, you know, when I go to visit friends or the like.

I was just in New York, and it goes well. I like it and it is on time, but there have always been those issues. And just talk about maybe you, Mr. Capozzi, what you think we need to do to improve on time?

Mr. CAPOZZI. Part of the issue obviously is just outside the Northeast Corridor, you know, we are reliant on other rail providers, and so that is an ongoing issue. And that is going to take conversation, commitment, and discussions with other providers to ensure that they meet their obligations of providing priority to Amtrak. And if it was an easy issue, it would have been solved a long time ago, I think.

Senator KLOBUCHAR. Yes. Some workforce issues, is an issue for every transportation industry that comes before this committee and we are very focused on trying to get more people into these careers, so very good. All right.

Well, thank you. I have an apartment here that I hear the Amtrak trains when they come in and it is very, very fun honestly.

That is why I picked it. And just keep up the good work and let's keep expanding, especially in the middle of the country. I just think there are so many opportunities that are untapped. So, thank you.

The CHAIR. Thank you, Senator Klobuchar. Senator Blackburn, thank you so much.

**STATEMENT OF HON. MARSHA BLACKBURN,
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Madam Chair. And to each of you, thank you for being here. And Senator Klobuchar is importantly concerned about rail access in the middle of the country.

I want to talk about that potential passenger rail from Atlanta, Chattanooga, Nashville, Memphis. And I would like to hear a verbal response from each of you that, if confirmed, you would continue to work on a self-sustaining and efficient railway for passengers in these communities? Start at one end of the dais and work down.

Ms. CLEGG. Chair Cantwell, Senator Blackburn, yes, I will.

Senator BLACKBURN. Thank you.

Mr. BATORY. Yes, Senator Blackburn.

Mr. LATHEM. Yes.

Mr. CAPOZZI. Ditto. Thank you.

Senator BLACKBURN. Thank you. I appreciate that. Mr. Capozzi, I know that Senator Welch asked you about our Baby Changing on Board Act.

And knowing that you have worked with Americans with disabilities, I would like to know that you are going to support this legislation because some of these train routes take a while.

Like Memphis to New Orleans, can take over nine hours, and of course babies have to be changed regularly. So is this the type of legislation that you are willing to support?

Mr. CAPOZZI. Thank you for the question, Senator Blackburn. Yes, as I said earlier, I understand the—certainly the need for accessible baby changing tables. As the father of triplets, our kids are now much older, but I still remember those days fondly.

The point that I made to Senator Welch was just that it is important to ensure that accessibility isn't compromised because space is at a premium in the accessible bathrooms. So I think technical assistance will be critical to ensure that they are installed properly.

Senator BLACKBURN. Thank you. Mr. Lathem, I want to come to you. I know that Senator Schmidt asked you about your trips to Venezuela in 2009, 2011. Have you made any additional trips into Venezuela?

Mr. LATHEM. No.

Senator BLACKBURN. No. OK. And I note that you have been quoted in articles as calling Chavez a nice guy and very benevolent, and you said or indicated you did not remember making those statements. Do you have any clarification on that?

Mr. LATHEM. No.

Senator BLACKBURN. You don't. OK. We will get you those statements so that you can provide in writing an appropriate response.

Mr. LATHEM. Thank you, Senator.

Senator BLACKBURN. Mr. Chavez arrested dissidents and said that he was a self-avowed enemy of the United States. Are you aware of that and do you agree with his statement?

Mr. LATHEM. No.

Senator BLACKBURN. You do not, OK. Mr. Chavez nationalized and effectively decimated the entire transportation system in Venezuela. So do you share Mr. Chavez's views toward transportation that government bureaucrat should exert more control over the industry?

Mr. LATHEM. No.

Senator BLACKBURN. OK. Let me ask you about your previous involvement with the Delaware River and Bay Authority, which was rife with corruption and scandal during your service.

After the agency spent more than \$1 million on trips and entertainment over a three-year period, the Board adopted policies to bring some fiscal responsibility to the organization. You reportedly claimed and complained about the charges, and you were upset that you would, and I am going to quote you, that you would "have to fly coach overseas."

At Amtrak, as budgetary losses piled up in 2022, executives earned over \$2 million in bonuses. And Senator Fischer brought this up with you all. And I would like to know, Mr. Lathem, given your past comments on using taxpayer funds to have a life of luxury, how can we trust you to bring fiscal responsibility and transparency to Amtrak?

Mr. LATHEM. I have never taken any trips with the DRBA, and I have never justified what happened while I was on the Board, when I began. As a matter of fact, the reason the Governor appointed me to the Board was to correct some of those violations that were going on. And we were able to do that. We changed policy. We put in—

Senator BLACKBURN. So why did you complain about the changes?

Mr. LATHEM. I don't remember complaining about the changes. As a matter of fact, I was part of help making the changes.

Senator BLACKBURN. We will submit that reporting to you so you can respond in writing.

Mr. LATHEM. OK. Thank you very much.

Senator BLACKBURN. I would like to have some clarity on that. We are very concerned about the losses at Amtrak, so we will do that. Let me ask you this, do you have experience in the rail industry, in your background?

Mr. LATHEM. In the rail industry? No.

Senator BLACKBURN. Yes, sir.

Mr. LATHEM. No.

Senator BLACKBURN. You have no experience?

Mr. LATHEM. Not in the rail industry, no.

Senator BLACKBURN. So you are the only one panel that has no rail experience in their background.

Mr. LATHEM. I have transportation experience.

Senator BLACKBURN. Any other member of the panel? Is any other member lacking rail experience? OK. Thank you. Thank you, Madam Chair.

The CHAIR. Thank you. Senator Moran, did you have a second round that you were interested in? What a diligent, diligent member. Diligent member.

[Laughter.]

The CHAIR. Well, I would like to ask another round quickly. And if there is anybody else, members who are thinking about attending, now would be a great time to do so. Otherwise, we will wrap this up quickly.

But one of the things I wanted to do, Ms. Clegg, obviously we are excited about a Western member that could understand some of the dynamics. Obviously, I already asked about working with the communities and the states in a more robust and transparent way, particularly on the on-time service.

But you mentioned in your Statement about Boise and about some of the added capacity that we could see in the Pacific Northwest. What do you think those best options are?

Ms. CLEGG. Senator Cantwell, could you repeat the last part of that?

The CHAIR. What do you think some of the best options are for increasing that capacity? When I think about how trains split off in Spokane and go down to the Tri-Cities, or how we might reestablish Yakima, or maybe even in, you know, the Montana Corridor come down through Billings, Boise—I am sorry, Billings and—Boiseman all the way to Boise.

Ms. CLEGG. Thank you for clarifying that. I think there are a lot of opportunities in the Northwest. Right now, we have only the train up the coast, the Cascadia, and then, of course, the Empire Builder that goes over the mountains and across the North.

I think there are already tracts travel through Yakima to Pendleton. Probably the Columbia River crossing would be the challenge with that one. There is already tracks on both sides of the Columbia down to Pendleton, and then down through the Cascades, into Boise, into Pocatello, Salt Lake, and then points East.

At Pocatello, there is a track that still exists that connects to Butte, Montana. Senator Hickenlooper talked about the track that exists from Cheyenne to Billings. Ultimately, we can have quite a connected system in the Northwest.

I think it will require that the state-supported routes really become more supported by those Western states that the corridor identification program used to identify which of those corridors will be most likely to succeed and how we can help them succeed.

But really look forward to a robust, connected system in a place where we desperately need it.

The CHAIR. Thank you. Thank you for that. Mr. Batory, I wanted to return a follow up to Senator Markey's question about your time at FRA in the Trump Administration, on the FRA's issues on safety. During the time you were working in the rail industry, would you have ever had a two mile long train operating across the country with only one crew member?

Mr. BATORY. Senator, not knowing the specifics, it is doubtful that I would, OK. There is no such word as can't, but as far as generically saying, would I run a train across the country two miles long, one crew member? Probably not, because there is high proportions of the rail network that are complicated.

There is topography. There are demand issues. So there are a lot of variables that come into play. And that is why I have always said, let the people closest to the work decide what needs to be done.

The CHAIR. And what about LNG? Because I think under your leadership at the FRA, you worked in coordination with the Pipeline and Hazardous Materials Administration to allow the transport of liquefied natural gas by rail across the country. And obviously, it is much more dangerous. Do you still believe that LNG should be permitted to ship on a two mile long train?

Mr. BATORY. Regardless of the length of the trains, the vessel itself, the vessel, the tank, OK, resided within the pipeline agency, OK. The only thing we looked at was the vehicle that carries the vessel.

And we had no difficulty with the vehicle, the flat car, that carries the vessel on top. So I can't answer your question in so far as the details associated with the vessel.

The CHAIR. Even though NTSB had safety concerns?

Mr. BATORY. I would respect those concerns. They need to be investigated and answered accordingly in a non-biased—

The CHAIR. So you will commit to taking a look at those, the NTSB recommendations?

Mr. BATORY. If you would—

The CHAIR. As an Amtrak Board member, you will look at those recommendations?

Mr. BATORY. If it would percolate, OK, to the Amtrak Board, OK, and if I was confirmed, I would certainly—take a renewed interest in it.

The CHAIR. I think—OK, this is a really important question, so I want you to think about this for a minute. One of the things that I think our committee as a group has worked very hard on is to make sure that the FRA listens to the NTSB.

The major legislation that Senator Wicker and I worked on established early reporting what the NTSB would do on an annual basis. What are the safety trends? Why, because we didn't think the FRA was paying enough attention to them.

So we certainly want the NTSB to be paid attention to. And so, I am just asking your commitment to take their recommendations seriously?

Mr. BATORY. I have always taken NTSB recommendations seriously and will continue to.

The CHAIR. OK.

Mr. BATORY. Regardless of the subject matter.

The CHAIR. OK. Let's see here. Who—I wanted to ask a little bit more about the efficiency of the service. As we continue to look at the challenges as we were just discussing, Ms. Clegg, and may be anybody really, the rest of the nominees, this establishing of service and efficiencies.

And from the West, you get a different mode, obviously, because you are empowering communities. You know, I would say, you know, access to some of our national parks being one of the key components of that. Being in Glacier and seeing everybody get off the train. I mean, that is why they are there, to go see that park.

And they were so benefited that they got to ride on Amtrak to get there. How are you all thinking about these expansion services or even the I-10 corridor, which is another example in another part of the country. How are you guys looking at the economics of these decisions on expansion of service?

Ms. CLEGG. Senator Cantwell, I will take the first shot at that. I think if you followed the FRA long distance study, you know—you probably do know this, that one of the criteria that they looked at was national parks. Another was educational institutions. Another was disadvantaged communities along the route.

I think there were 15 or 20 different criteria. I think if we look at that study and look at what they learned about some of those routes, we can use that to ensure that the routes that we build are the correct ones and that we do it well.

In terms of trying to figure out how to provide the best service, I would say that the places that do have local commissions and local groups already are the ones that are working hard to provide that better service because of that local expertise on the ground.

And I would hope that Amtrak could not just work with those groups but help spur the formation of some of those groups, because I think it will help Amtrak service in the long run if we can.

The CHAIR. OK. Any comments by other witnesses about how to expand this service and look at the economics of the issues?

Mr. BATORY. Senator, I just think that—within Amtrak, there is a host of subject matter experts associated with scheduling of trains, trains that are operating today, as well as trains that should operate tomorrow.

And we should endorse and foster that type of work. And by doing that, we will continue to build upon the national network that we know of today. And the national network that we know of today is not necessarily the perfect or the exact network that we need for the future, but it is an evolution, and the Board needs to support the Amtrak management team to develop and continue to maintain that development of a national network that patronizes the people of this country.

The CHAIR. I was asking a little bit more, as Ms. Clegg mentioned, on those criteria that are included in the list as opposed to just the operations—you know, people looking at the operation time. I think what is—the Northeast Corridor is unique, but so is the West, and I would say so is the South.

And there are big regional priorities within those areas. And so, I was really looking to see the nominees' thoughts about how important expansion of Amtrak is. To me, I think it is an important tool.

Some of those criteria are there and in place, and part of it is figuring out what else we need to do to make sure that we communicate about the viability of these services to an entire region. And I am not sure that we have the full scope of that. Again, because I think if we did, we might have the I-10 corridor development already there.

Mr. LATHEM. Senator, I would like to see more expansion into rural areas. Being a small state, we still have a problem with transportation in rural areas. And I think there are a lot more states like us that can use more rail services in those rural areas.

Mr. BATORY. That—Senator, the expansion of rail breeds economic development in the communities that rail serves. And that is why I think it is so important to continually look at that network and say, what can we do? Because it is not just about making money or how much money we lose on a train.

It is what it does to the communities it serves and the people that will live in those communities. And I share the same feeling about rural America.

The CHAIR. Thank you. Mr. Capozzi, before I turn to my colleague. OK, Senator Luján. Thank you for joining us.

**STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Madam Chair. Thank you so much for holding this hearing and thank you to each of you for being here as well.

Every time Amtrak nominees have come before this committee, I have pushed for robust funding and support for Amtrak to improve rail network for long distance runs. I continue to hear horror stories about delays and challenges, especially from constituents in New Mexico.

You know, there has been folks that have been trying to cut the run there and give us buses instead of trying to fight to keep that thing going and extrapolate that across rural America. I appreciate the responses I have already been hearing.

The Southwest Chief has the second lowest on-time performance rate of all the long distance routes, getting customers on their destination on time only 34 percent of the time during this last year. I would like to commend President Biden for nominating several Amtrak Board members from the Western United States in line with the requirements passed in the bipartisan infrastructure law for geographical diversity on the Board.

Now, it is vital that there are members of the Board who understand the unique challenges of the West and will stand up for our long distance routes and the passengers they serve. Mr. Batory, I appreciate you being here as well, being from Santa Fe.

Now, I would like to pose the same question to all of you. As a member of the Amtrak Board, yes or no, are you committed to advocating for increased funding for the long distance network, in particular to address outdated equipment and maintenance issues?

Mr. LATHEM. Yes.

Senator LUJÁN. Mr. Capozzi.

Mr. CAPOZZI. Yes, Senator.

Senator LUJÁN. Mr. Batory.

Mr. BATORY. Yes, Senator.

Senator LUJÁN. Ms. Clegg.

Ms. CLEGG. Yes, Senator.

Senator LUJÁN. Thank you very—or Ms. Clegg. Thank you. I will follow up in writing about that as well. Now, I want to follow up more specifically on my efforts to preserve the Southwest Chief's service to New Mexico.

I very much appreciate the work of Senator Moran. It was years ago as a member of the House when I was invited into a room with several Senators, with Senator Moran leading that effort, to visit

with the CEO from Amtrak when they were trying to give us buses and trying to cut those trains to get commitments there.

So, Mr. Batory, you served as Administrator of the Federal Railroad Administration during the previous Administration. While FRA and Amtrak are separate, they do work closely, especially when it comes to grantmaking and budgetary decisions.

Can you briefly explain your involvement in the repeated attempts to move the Southwest Chief route to bus service during your time as FRA Administrator?

Mr. BATORY. Senator Moran, I am proud to share with you that there was a gulf between myself and President Anderson in regards to the Southwest Chief. I took a personal interest. At first we were using the absence of positive train control is the reason. Then we were talking about the physical plant condition.

I reached out to Burlington Northern Santa Fe. I high railed the railroad from Lamie, New Mexico, going to Trinidad, and realized that the physical plant was adequate for the class of track in which it was maintained for and that there was a lot of subterfuge, if you will, on trying to degrade the Southwest Chief. I am pleased to share with you it never happened.

Senator LUJÁN. I very much appreciate that and was hoping to hear that as clear as you shared it today so that it was part of the record.

Now, Mr. Batory, I am going to read a quote from the President, the previous President, President Trump's Fiscal Year 2018 budget request, "Amtrak's long distance trains do not serve a vital transportation purpose and are a vestige of when train service was the only viable transcontinental transportation option." Do you agree with that assessment?

Mr. BATORY. I don't recall that statement, but I don't agree with it.

Senator LUJÁN. That answers my question. Mr. Batory, do you agree that Congress should stop funding Amtrak's long distance routes?

Mr. BATORY. No, it should not.

Senator LUJÁN. If confirmed, do you commit to preserving and expanding rather than reducing service on the Southwest Chief line?

Mr. BATORY. I would certainly be open to listening to the facts that support that expansion.

Senator LUJÁN. I appreciate that very much. Madam Chair, I want to thank you for this important hearing and especially allowing me to ask questions around the Southwest Chief, which is vital to New Mexico.

Since I have 30 seconds, Mr. Batory, being from Santa Fe, I hope that we look to expand opportunities, that we take a chance to learn more, as we heard from Mr. Lathem, into more rural areas. There is not a way for us to get from Santa Fe down to Las Cruces into the border and into Santa Teresa, which is expanding.

It is incredible to see what is happening there and gets us closer to El Paso. So I hope to have further conversations with all of you down the road as we look at some of those opportunities down the road. So, thank you very much. Thank you, Madam Chair.

The CHAIR. Thank you, Senator Luján. Thank you for that advocacy. Before we close the hearing, I have one more question for the nominees. If confirmed, will you pledge to work collaboratively with this committee, provide thorough and timely responses to your requests for information as we put together and address important policy issues, and appear before the Committee when requested?

Mr. LATHEM. Yes.

Mr. CAPOZZI. Yes, Madam Chair.

Mr. BATORY. Yes.

Ms. CLEGG. I look forward to it. Yes.

The CHAIR. Great. Well, thank you for your willingness and commitment to serve. That ends our hearing.

You will have until the close of business Monday, September 16 to submit—Senators will, to submit questions for the record, and witnesses will have until the close of business Monday, September 23 to respond to those questions. Again, thank you all for being here. This concludes our hearing.

[Whereupon, at 11:49 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
DAVID CAPOZZI

Accessibility Improvements

While Amtrak continues to make progress in increasing accessibility and improving the travel experience for people with disabilities, there remains much work to be done. According to a recent report by the National Disability Rights Network, a nonprofit membership organization for the Federally mandated Protection and Advocacy (P&A) Systems and the Client Assistance Programs (CAP) for individuals with disabilities, people with disabilities continue to encounter inaccessible trains, kiosks, bathrooms and stations. They also continue to deal with unnecessary embarrassment, discomfort and disrespectful treatment. That is why I have been pleased to see some progress with the design of the Amtrak Airo. It is also why Senator Capito and I recently introduced the bipartisan, bicameral S. 4107, Think Differently Transportation Act, which passed the Senate Commerce, Science and Transportation Committee unanimously. Our bill would bring Amtrak stations up to standards enshrined in the Americans with Disabilities Act (ADA) by requiring the rail agency to submit annual reports to Congress on the status of its compliance with accessibility standards set by the ADA at the 385 stations for which Amtrak is responsible.

Question 1. Please explain how you would ensure Amtrak builds—in a timely and efficient manner—on the progress it has made to continue to incorporate inclusive and universal design principles throughout Amtrak’s work, including on stations, rail cars and staff training?

Answer. I’ll bring my many years of experience to the Amtrak Board—both in Federal government service and with nonprofit organizations—in addressing rail and other public transportation accessibility issues. 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. I will also work closely with Amtrak’s Vice President of Accessibility, Stations & Facilities and its ADA Executive Oversight Committee to ensure that progress continues to be made in advancing accessibility to stations, rail cars, and staff training.

Long Distance Rail

Amtrak is a national network that plays a vital role in the transportation of customers to all corners of the U.S. Long-distance Amtrak routes connect large cities to small rural towns and vice versa. Chicago plays an outsized role in that network—50 percent of all of Amtrak’s long-distance customers ride trains that either begin or end at Chicago Union Station.

Question 1. If confirmed, would you continue to support Amtrak long-distance routes?

Answer. I value all of the train services Amtrak offers—long-distance, state-supported, and Northeast Corridor services. I am committed to long-distance train service.

Chicago Hub Improvement Program (CHIP)

Amtrak’s Chicago Hub Improvement Program (CHIP) would help alleviate rail congestion in Chicago. This congestion slows down intercity passenger rail across the Midwest and across the country. The CHIP program would be particularly helpful for Michigan, Indiana, Missouri, Minnesota and Wisconsin, as well as Illinois.

Question 1. If confirmed, will you commit to visiting Chicago Union Station to see this project?

Answer. If confirmed, I look forward to visiting Chicago Union Station to see this project.

Question 2. If confirmed, will you agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago??

Answer. If confirmed, I would agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
DAVID CAPOZZI

Amtrak Safety and On-Time Performance

I am concerned by reports of delays and stoppages on Amtrak routes, especially as an impediment to expansion of passenger rail service beyond the Northeast Corridor. According to the Department of Justice, in 2023, only 24 percent of south-bound passenger trains on the Crescent route arrived at their destination on time.¹ In July 2024, the Department of Justice filed a civil complaint alleging that Norfolk Southern (NS), which controls 1,140 miles of rail line on the Crescent's 1,377 mile route and handles dispatching for all trains along that segment, delays passengers trains in violation of Federal law.² One example in the complaint notes an August 2022 Crescent train was delayed for 55 minutes when it was forced to follow a NS train from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate the freight train.³ In addition, this July, an Amtrak Crescent train struck a passenger vehicle in Lula, Georgia, injuring three passengers.⁴

Question 1. If confirmed as a member of the Amtrak Board of Directors, how will you promote a stronger partnership and improve communication with freight rail carriers to improve safety and on-time performance on the National Network?

Answer. It's my understanding that Amtrak faces the largest number of delays due to freight train interference. Statute requires freight trains 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. Real enforcement is necessary for Amtrak trains to run on time. We need to be driven by Amtrak's mission which is to provide efficient and effective intercity passenger rail mobility consisting of high-quality service that is trip-time competitive with other intercity travel options. I will work with my fellow Board members to ensure that we do our part in helping Amtrak to meet its federally required on-time performance standards, that at least 80 percent of a train's customers must arrive on time for any two consecutive calendar quarters. One way to improve communication with freight rail carriers is by meeting with them more often and publicizing the results of those meetings in a transparent way. Open communication is critical to improving relationships.

Amtrak Expansion in the Southeast

The Bipartisan Infrastructure Law, which I was proud to support, includes nearly \$13 billion for Amtrak grants for activities associated with the National Network and over \$1.3 billion in funding for the Federal Railroad Administration (FRA) to carry out railroad safety activities. On December 8, 2023, FRA announced selections through the Corridor Identification and Development Program to create a pipeline of intercity passenger rail projects ready for implementation and future investment.⁵ These selections include three grants, totaling \$1.5 million, to explore new pas-

¹*Justice Department Files Complaint Against Norfolk Southern to Stop Amtrak Passenger Train Delays*, Department of Justice (Jul. 30, 2024), <https://www.justice.gov/opa/pr/justice-department-files-complaint-against-norfolk-southern-stop-amtrak-passenger-train>.

²*Id.*

³Complaint ¶35(a), *United States of America v. Norfolk Southern Corporation and Norfolk Southern Railway Company*, No. 24-cv-02226 (D.D.C. Jul. 30, 2024), <https://www.justice.gov/opa/media/1362071/dl?inline> ("On August 22, 2022, Crescent 19 was delayed for 55 minutes when it was forced to follow Norfolk Southern train 29S-22 for 115 miles from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate Norfolk Southern train 29S-22").

⁴*Pickup truck hit by train in Lula, all three occupants injured*, access WDUN (Jul. 30, 2024), <https://accesswdun.com/article/2024/7/1255087/travel-issues-in-banks-county-following-train-collision-with-pickup-truck>.

⁵*President Biden Announces \$8.2 Billion in New Grants for High-Speed Rail and Pipeline of Projects Nationwide*, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/about-fra/communications/newsroom/press-releases/president-biden-announces-82-billion-new-grants>.

senger rail routes across Georgia and into neighboring states.⁶ The Fiscal Year 2025 Transportation, Housing and Urban Development government funding bill also includes \$10 million for Amtrak to build a new intercity passenger rail hub station in Atlanta.⁷ This support is a good starting point, but there is clearly more work to be done to expand rail access in Georgia and the greater southeast.

Question 1. In general, does the presence of passenger rail service increase commercial, business, and tourism opportunities?

Answer. I believe that investment in passenger rail service promotes greater mobility and economic development, generates new jobs, encourages energy efficiency, and enhances our standard of living. A strong passenger rail program—adding train manufacturing, construction, operation, and maintenance—will provide good-paying jobs that can't be exported. Investing in passenger rail service also fosters real estate development around stations. This promotes many non-rail jobs, walkable communities, and energy-efficient lifestyles.

Question 2. Will you commit to comprehensively analyzing the feasibility and economic potential of these routes?

Answer. If confirmed, I will commit to comprehensively analyzing the feasibility and economic potential of these routes.

Question 3. How do centralized, modern rail hub stations, like the new proposed Atlanta rail hub station, support passenger rail ridership and improve the ridership experience?

Answer. Centralized, modern rail hub stations support passenger rail ridership and improve the passenger experience by playing a critical role in reshaping our cities in a sustainable manner by facilitating interconnectivity and by serving as a catalyst for urban redevelopment activities around new stations by increasing mobility and accessibility for all without increasing traffic.

Question 4. Will you commit to exploring all opportunities to improve the Atlanta and Savannah Amtrak stations to prepare them for passenger rail expansion?

Answer. If confirmed, I will commit to exploring all opportunities to improve the Atlanta and Savannah Amtrak stations to prepare them for passenger rail expansion.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. SHELLEY MOORE CAPITO TO
DAVID CAPOZZI

Question 1. Senator Duckworth and I have a bill—the Think Differently Transportation Act which would mandate that Amtrak has to submit annual reports about accessibility compliance in stations that are not yet ADA compliant. I was proud to see the Charleston station become fully accessible last fall, but we still have 4 stations working towards being fully accessible in my state. Can you tell us about some of the compliance challenges for rural stations that are not yet accessible? Can you explain why our bill to require Amtrak to report on station compliance would be helpful?

Answer. Rural stations that are not yet accessible face many of the same compliance challenges as stations in more developed areas of the country. However, they often face other accessibility complications such as having inadequate public right-of-way infrastructure such as incomplete sidewalks, no curb ramps, or a lack of complying curb ramps. Rural stations often must address accessibility issues complicated by ADA historic preservation provisions. A building that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate State or local law, may have to address exceptions for alterations to accessible routes, entrances, or toilet facilities when a State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the ADA requirements would threaten or destroy the historic significance of the building. Rural stations where Amtrak has no ADA responsibilities often face additional challenges such as limited financial resources.

The Think Differently Transportation Act would require Amtrak to report to Congress information on its compliance with the ADA with respect to stations annually while the settlement agreement with the Department of Justice is in effect and every 5 years when the settlement is no longer in effect. Although the DOJ settle-

⁶ *FY22 Corridor Identification and Development Program Selections*, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/sites/fra.dot.gov/files/2023-12/FY22%20CID%20Project%20Summaries-Map-r1.pdf>.

⁷ Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2025, S. 4796, 118th Cong. (2024).

ment agreement already requires ADA Progress Reports on a bi-annual basis and to make those reports available to the public, your bill will provide much needed transparency in Amtrak's progress in meeting its ADA obligations and will memorialize the reporting requirements of the DOJ settlement agreement.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
SAMUEL LATHEM

Long Distance Rail

Amtrak is a national network that plays a vital role in the transportation of customers to all corners of the U.S. Long-distance Amtrak routes connect large cities to small rural towns and vice versa. Chicago plays an outsized role in that network—50 percent of all of Amtrak's long-distance customers ride trains that either begin or end at Chicago Union Station.

Question 1. If confirmed, would you continue to support Amtrak long-distance routes?

Answer. As an Amtrak Board member, if confirmed, I would work to encourage expansion of long-distance routes.

Chicago Hub Improvement Program (CHIP)

Amtrak's Chicago Hub Improvement Program (CHIP) would help alleviate rail congestion in Chicago. This congestion slows down intercity passenger rail across the Midwest and across the country. The CHIP program would be particularly helpful for Michigan, Indiana, Missouri, Minnesota and Wisconsin, as well as Illinois.

Question 1. If confirmed, will you commit to visiting Chicago Union Station to see this project?

Answer. Yes.

Question 2. If confirmed, will you agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago??

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
SAMUEL LATHEM

Amtrak Safety and On-Time Performance

I am concerned by reports of delays and stoppages on Amtrak routes, especially as an impediment to expansion of passenger rail service beyond the Northeast Corridor. According to the Department of Justice, in 2023, only 24 percent of south-bound passenger trains on the Crescent route arrived at their destination on time.¹ In July 2024, the Department of Justice filed a civil complaint alleging that Norfolk Southern (NS), which controls 1,140 miles of rail line on the Crescent's 1,377 mile route and handles dispatching for all trains along that segment, delays passengers trains in violation of Federal law.² One example in the complaint notes an August 2022 Crescent train was delayed for 55 minutes when it was forced to follow a NS train from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate the freight train.³ In addition, this July, an Amtrak Crescent train struck a passenger vehicle in Lula, Georgia, injuring three passengers.⁴

Question 1. If confirmed as a member of the Amtrak Board of Directors, how will you promote a stronger partnership and improve communication with freight rail carriers to improve safety and on-time performance on the National Network?

Answer. It is an issue I will look at very closely. However, I need more data in order to give an informed answer.

¹Justice Department Files Complaint Against Norfolk Southern to Stop Amtrak Passenger Train Delays, Department of Justice (Jul. 30, 2024), <https://www.justice.gov/opa/pr/justice-department-files-complaint-against-norfolk-southern-stop-amtrak-passenger-train>.

²*Id.*

³Complaint ¶35(a), *United States of America v. Norfolk Southern Corporation and Norfolk Southern Railway Company*, No. 24-cv-02226 (D.D.C. Jul. 30, 2024), <https://www.justice.gov/opa/media/1362071/dl?inline> ("On August 22, 2022, Crescent 19 was delayed for 55 minutes when it was forced to follow Norfolk Southern train 29S-22 for 115 miles from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate Norfolk Southern train 29S-22").

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Amtrak Expansion in the Southeast

The Bipartisan Infrastructure Law, which I was proud to support, includes nearly \$13 billion for Amtrak grants for activities associated with the National Network and over \$1.3 billion in funding for the Federal Railroad Administration (FRA) to carry out railroad safety activities. On December 8, 2023, FRA announced selections through the Corridor Identification and Development Program to create a pipeline of intercity passenger rail projects ready for implementation and future investment.⁵ These selections include three grants, totaling \$1.5 million, to explore new passenger rail routes across Georgia and into neighboring states.⁶ The Fiscal Year 2025 Transportation, Housing and Urban Development government funding bill also includes \$10 million for Amtrak to build a new intercity passenger rail hub station in Atlanta.⁷ This support is a good starting point, but there is clearly more work to be done to expand rail access in Georgia and the greater southeast.

Question 1. In general, does the presence of passenger rail service increase commercial, business, and tourism opportunities?

Answer. Yes.

Question 2. Will you commit to comprehensively analyzing the feasibility and economic potential of these routes?

Answer. Yes.

Question 3. How do centralized, modern rail hub stations, like the new proposed Atlanta rail hub station, support passenger rail ridership and improve the ridership experience?

Answer. The country needs more rail hubs to support more opportunities for intercity passenger rail.

Question 4. Will you commit to exploring all opportunities to improve the Atlanta and Savannah Amtrak stations to prepare them for passenger rail expansion?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO SAMUEL LATHEM

Questionnaire Inaccuracies

You completed and sent the Committee a questionnaire each time you were nominated for this position, in 2022, 2023, and 2024. At the end of each questionnaire, you signed an affidavit, attesting that “the information provided therein [was], to the best of [your] knowledge, current, accurate, and complete.” Every time, however, you did not disclose a significant amount of responsive information, including public statements, published pieces, and campaign contributions.

Question 1. In response to question 17 on the 2022, 2023, and 2024 questionnaires, which asked you to “list each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored,” you responded “none.”

a. Did you write a piece in *The News Journal* in 2011 called “Labor Gave Us a Middle Class; Corporations are Taking it Away”?

Answer. Yes. Upon receiving your questions, I reviewed this piece and see that I did author this piece in 2011.

b. Did you co-author a piece in the *Dover Post* in 2013 with then AFL–CIO President Richard Trumka called “On Labor Day, Too Many Workers Labor in the Shadows”?

Answer. Yes. Upon receiving your questions, I reviewed this piece and see that I did co-author this piece in 2013.

c. Did you co-author a piece in 2006 in *The News Journal* called “Delaware Must Reform Workers’ Comp Now”?

Answer. Yes. Upon receiving your questions, I reviewed this piece and see that I did co-author this piece in 2006.

⁵President Biden Announces \$8.2 Billion in New Grants for High-Speed Rail and Pipeline of Projects Nationwide, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/about-fra/communications/newsroom/press-releases/president-biden-announces-82-billion-new-grants>.

⁶FY22 Corridor Identification and Development Program Selections, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/sites/fra.dot.gov/files/2023-12/FY22%20CID%20Project%20Summaries-Map-r1.pdf>.

⁷Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2025, S. 4796, 118th Cong. (2024).

d. Are there any other books, articles, columns, Internet blog postings, or other publications you have authored that you did not disclose to this Committee in your 2022, 2023, and 2024 questionnaires?

Answer. Not that I recall.

Question 2. Please explain how you verified your answers to question 1.

Answer. I answered to the best of my ability and how I remembered it.

Question 3. In response to question 19 on the 2023 and 2024 questionnaires, which asked you to “list all public statements you have made during the past ten years,” you responded “none.”

a. Did you make the statement attributed to you in the 2015 article in *The News Journal* article titled, “Data Center Supporters Call for Investigation”?

Answer. Yes. Upon receiving your questions, I reviewed the article and see the statement attributed to me. I did not recall making this statement.

b. Did you make the statements attributed to you in the 2014 article in *The News Journal* article titled, “Flower to Endorse on Thursday”?

Answer. Yes. Upon receiving your questions, I reviewed the article and see the statement attributed to me. I did not recall making this statement.

c. Have you made any other public statements during the past ten years?

Answer. Not that I am aware.

Question 4. Please explain how you verified your answers to question 3.

Answer. I answered to the best of my ability and how I remembered it.

Question 5. In response to question 15 on the 2022, 2023, and 2024 questionnaires, which asked you to “[l]ist 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,” you responded “none.”

a. Did you donate \$500 to the election campaign of now Delaware Governor John Carney in 2016?

Answer. Yes.

b. In the last ten years, did you make any other political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more that you did not disclose to this Committee in your 2022, 2023, and 2024 questionnaires?

Answer. I gave a contribution to Lisa Blunt Rochester. According to the FEC website, this contribution was in May 2016 for \$300.

Question 6. Please explain how you verified your answers to question 5.

Answer. I answered to the best of my ability and how I remembered it.

Trips to Venezuela

During your nomination hearing on September 11, Senator Schmitt asked you several questions about your trips to Venezuela in 2009 and 2011.

Question 7. You testified to the Committee that “you never said” the Chavez regime was “benevolent.” However, you were quoted in a 2009 article in *The News Journal* titled “Del. Labor Leaders Prepare Visit to Venezuela,” as stating: “They look like they’ve got a very aggressive agenda for us. Based on what they’ve done in this state, they’ve been very *benevolent* (*emphasis added*). I think Richard and his wife [referring to Richard and Magda Korn, who helped organize the trip] have been a big part of establishing that relationship.” For your reference and the hearing record, I am attaching a copy of that article. Would you like to correct the record and acknowledge that you did make this statement?

Answer. In the agreement they had with Joe Kennedy II they were to provide oil to people who could not afford it and in that vein, yes, they were benevolent.

Question 8. You testified to the Committee that you went to Venezuela in 2011 as a guest of the president of the Building Trades of Delaware. However, during your staff interview, you said the Venezuelan Consulate invited you on this trip. Moreover, a 2011 article in *Burning Spear*, describing the conference, says the U.S. delegation of African Socialist International “was made up of James Early, the Smithsonian Institution’s Director of Cultural Heritage Policy of the Center for Folklife and Cultural Heritage; Samuel E. Lathem, President of the Delaware State AFL–CIO; Ajamu Baraka, Executive Director of the U.S. Human Rights Network; Joia Nuri, Chief of Staff for TransAfrica Forum; August Nimtz, representative of the U.S. Socialist Workers Party; Chokwe Lumumba, New Afrikan People’s Organization and Howard University students.” None of those individuals are from the Building Trades of Delaware. For your reference and the hearing record, I am attaching a copy of that article.

a. When you said the trip was as a guest of the president of the Building Trades of Delaware, were you referring to the 2009 trip?

Answer. I was referring to both trips, but the president of the building trades could not make the second trip.

b. If yes, was the 2011 trip at the invitation of the Venezuelan Consulate? If no, was your statement during your staff interview that the Venezuelan Consulate invited you inaccurate?

Answer. No, the president of the building trades invited me, but he could not make it.

Question 9. You testified to the Committee that the Venezuelan government paid for the 2009 trip to Venezuela. During your staff interview you said that the Venezuelan government paid for 2011 trip to Venezuela as well. Is that accurate?

Answer. Yes, as far as I know. It was the president of the Delaware Building Trades that made the arrangements.

Relationship with White House

Question 10. In public reporting, you have been identified as a “longtime Biden family friend.” In your interview with my staff, you acknowledged your longstanding relationship with President Biden. Given your close relationship with the President, when did you first begin to notice the President’s cognitive decline?

Answer. Since President Biden took office, I have had limited interaction with him and have not noticed any changes whatsoever.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SHELLEY MOORE CAPITO TO SAMUEL LATHEM

Question 1. We all want to see Amtrak succeed and not just in the Northeast Corridor—one of the issues that has been constant across the network has been about procuring rolling stock (train cars and locomotives). This long and difficult process often means that it can take years and years to see new train sets come into service. What ideas do you have for improving the procurement process?

Answer. I agree that it is important that we create an environment where new rolling stock is delivered on time, on budget, and in compliance with all safety requirements. If confirmed, I commit to looking into this issue further and working to ensure this outcome.

Question 2. Safety is always my top priority on this committee. I know that when Mr. Batory was the head of the FRA he helped to implement Positive Train Control. What are your thoughts on PTC and other safety technologies?

Answer. Safety is also a number one priority with me.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO RONALD BATORY

Long Distance Rail

Amtrak is a national network that plays a vital role in the transportation of customers to all corners of the U.S. Long-distance Amtrak routes connect large cities to small rural towns and vice versa. Chicago plays an outsized role in that network—50 percent of all of Amtrak’s long-distance customers ride trains that either begin or end at Chicago Union Station.

Question 1. If confirmed, would you continue to support Amtrak long-distance routes?

Answer. Yes.

Chicago Hub Improvement Program (CHIP)

Amtrak’s Chicago Hub Improvement Program (CHIP) would help alleviate rail congestion in Chicago. This congestion slows down intercity passenger rail across the Midwest and across the country. The CHIP program would be particularly helpful for Michigan, Indiana, Missouri, Minnesota and Wisconsin, as well as Illinois.

Question 1. If confirmed, will you commit to visiting Chicago Union Station to see this project?

Answer. Yes.

Question 2. If confirmed, will you agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago??

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
RONALD BATORY

Amtrak Safety and On-Time Performance

I am concerned by reports of delays and stoppages on Amtrak routes, especially as an impediment to expansion of passenger rail service beyond the Northeast Corridor. According to the Department of Justice, in 2023, only 24 percent of south-bound passenger trains on the Crescent route arrived at their destination on time.¹ In July 2024, the Department of Justice filed a civil complaint alleging that Norfolk Southern (NS), which controls 1,140 miles of rail line on the Crescent's 1,377 mile route and handles dispatching for all trains along that segment, delays passengers trains in violation of Federal law.² One example in the complaint notes an August 2022 Crescent train was delayed for 55 minutes when it was forced to follow a NS train from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate the freight train.³ In addition, this July, an Amtrak Crescent train struck a passenger vehicle in Lula, Georgia, injuring three passengers.⁴

Question 1. If confirmed as a member of the Amtrak Board of Directors, how will you promote a stronger partnership and improve communication with freight rail carriers to improve safety and on-time performance on the National Network?

Answer. Regarding safety, Amtrak management should develop action plans to resolve physical plant and operating practices issues. Host railroad management should engage to the extent they have responsibility for a given safety concern.

Regarding on-time performance, I would advocate for Amtrak management to reach agreement with host railroads on all train schedules, as set forth in the governing FRA regulation covering service metrics and standards. If Amtrak and a freight host do not even agree about the schedule, it is difficult to improve service. Legal action is an option, but it should be a last resort given the time and expense involved.

Amtrak Expansion in the Southeast

The Bipartisan Infrastructure Law, which I was proud to support, includes nearly \$13 billion for Amtrak grants for activities associated with the National Network and over \$1.3 billion in funding for the Federal Railroad Administration (FRA) to carry out railroad safety activities. On December 8, 2023, FRA announced selections through the Corridor Identification and

Development Program to create a pipeline of intercity passenger rail projects ready for implementation and future investment.⁵ These selections include three grants, totaling \$1.5 million, to explore new passenger rail routes across Georgia and into neighboring states.⁶ The Fiscal Year 2025 Transportation, Housing and Urban Development government funding bill also includes \$10 million for Amtrak to build a new intercity passenger rail hub station in Atlanta.⁷ This support is a good starting point, but there is clearly more work to be done to expand rail access in Georgia and the greater southeast.

Question 1. In general, does the presence of passenger rail service increase commercial, business, and tourism opportunities?

Answer. Yes.

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²*Id.*

³Complaint ¶35(a), *United States of America v. Norfolk Southern Corporation and Norfolk Southern Railway Company*, No. 24-cv-02226 (D.D.C. Jul. 30, 2024), <https://www.justice.gov/opa/media/1362071/dl?inline> ("On August 22, 2022, Crescent 19 was delayed for 55 minutes when it was forced to follow Norfolk Southern train 29S-22 for 115 miles from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate Norfolk Southern train 29S-22").

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⁵*President Biden Announces \$8.2 Billion in New Grants for High-Speed Rail and Pipeline of Projects Nationwide*, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/about-fra/communications/newsroom/press-releases/president-biden-announces-82-billion-new-grants>.

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⁷Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2025, S. 4796, 118th Cong. (2024).

Question 2. Will you commit to comprehensively analyzing the feasibility and economic potential of these routes?

Answer. If confirmed, yes.

Question 3. How do centralized, modern rail hub stations, like the new proposed Atlanta rail hub station, support passenger rail ridership and improve the ridership experience?

Answer. A central rail station can host an array of routes and frequencies of choice. These potential attributes can attract rail ridership to new heights.

Question 4. Will you commit to exploring all opportunities to improve the Atlanta and Savannah Amtrak stations to prepare them for passenger rail expansion?

Answer. If confirmed, yes.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. SHELLEY MOORE CAPITO TO
RONALD BATORY

Question 1. I'd like to ask you about Amtrak's preference over freight railroads since you used to be the head of the Federal Railroad Administration. In 2023, the Capitol Limited had an on-time performance rating of 70 percent and the Cardinal line had a terrible 58 percent—far below the 80 percent goal. What ways could Amtrak better enforce their statutory preference over freight rails?

Answer. Resolve the dispute schedules pending for both trains. That is a key step required by the FRA regulation, and Amtrak and host railroads have not completed that work. Once agreement on schedules is achieved, issues such as physical plant capacity and necessary operating changes will become obvious. Mutual agreement on realistic improvements is preferable to the cost and expense of legal action.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
ELAINE CLEGG

Long Distance Rail

Amtrak is a national network that plays a vital role in the transportation of customers to all corners of the U.S. Long-distance Amtrak routes connect large cities to small rural towns and vice versa. Chicago plays an outsized role in that network—50 percent of all of Amtrak's long-distance customers ride trains that either begin or end at Chicago Union Station.

Question 1. If confirmed, would you continue to support Amtrak long-distance routes?

Answer. Yes, I will. The long-distance routes are the backbone of the Amtrak national network. I have worked for the past three years as a member of the Greater Northwest Passenger Rail working group to advocate for expanding that network to better serve all Americans. There are 15 routes today in the long-distance network and a number of integrated state-supported routes. Additionally, the FRA has chosen 69 corridors for the Corridor Identification Program (CID), many of which can augment the Amtrak network with state supported and long-distance service, and many of those corridors chosen also connect to the Chicago hub.

The FRA has also completed the outreach for the Long-Distance Service study and identified 15 additional preferred long-distance routes (one of which is also in the CID program) after receiving over 47,000 public comments. 99 percent of those comments were supportive of additional long-distance passenger rail service in the US. If confirmed, I will work as an Amtrak Board member to strengthen existing long-distance service, and to implement the FRA network of preferred routes; for expansion of passenger rail service to places that do not have service today and enhancing service in places already well served such as the Chicago region.

Chicago Hub Improvement Program (CHIP)

Amtrak's Chicago Hub Improvement Program (CHIP) would help alleviate rail congestion in Chicago. This congestion slows down intercity passenger rail across the Midwest and across the country. The CHIP program would be particularly helpful for Michigan, Indiana, Missouri, Minnesota and Wisconsin, as well as Illinois.

Question 1. If confirmed, will you commit to visiting Chicago Union Station to see this project?

Answer. The Chicago Union Station is one of the iconic stations that I have yet to visit and I would be excited to come to Chicago, tour the station and experience the train service moving in and out of the city to learn more about the CHIP program and how the congestion at this important hub would be mitigated.

Question 2. If confirmed, will you agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago??

Answer. Intercity passenger rail is dependent on long-term stable funding, especially for the infrastructure improvements needed to make it more efficient and attractive to use. Chicago will always be an important hub for both intercity passenger rail and freight. One of the issues I commit to working on if confirmed is finding solutions to the congestion that is exacerbated by the interactions of passenger and freight rail on rail corridors to improve movement for both passenger rail and freight. I also am eager to bring my familiarity with improving the experience of transit riders to Amtrak as it works to improve the experience of passenger rail riders.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
ELAINE CLEGG

Amtrak Safety and On-Time Performance

I am concerned by reports of delays and stoppages on Amtrak routes, especially as an impediment to expansion of passenger rail service beyond the Northeast Corridor. According to the Department of Justice, in 2023, only 24 percent of south-bound passenger trains on the Crescent route arrived at their destination on time.¹ In July 2024, the Department of Justice filed a civil complaint alleging that Norfolk Southern (NS), which controls 1,140 miles of rail line on the Crescent's 1,377 mile route and handles dispatching for all trains along that segment, delays passengers trains in violation of Federal law.² One example in the complaint notes an August 2022 Crescent train was delayed for 55 minutes when it was forced to follow a NS train from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate the freight train.³ In addition, this July, an Amtrak Crescent train struck a passenger vehicle in Lula, Georgia, injuring three passengers.⁴

Question 1. If confirmed as a member of the Amtrak Board of Directors, how will you promote a stronger partnership and improve communication with freight rail carriers to improve safety and on-time performance on the National Network?

Answer. Delays are especially apparent on western routes where the long distances encourage even longer freight trains. The Southwest Chief and Zephyr have the worst on-time performance in the system as a result. These delays plague other regions as well, as you noted in the Southeast. I commit to working on this issue if confirmed. There is no magic bullet but finding solutions to the congestion that is exacerbated by the interactions of passenger and freight rail on rail corridors to improve movement for both passenger rail and freight must be successful if the passenger rail system in the U.S. is to live up to its promise of access for all Americans. There are models such as the Capitol Corridor in California and others that Amtrak should explore and pilot. I have always been skilled at building relationships that move issues forward and will work to understand and know freight railroad people and the challenges they face. As a board member I will bring these issues to the forefront. It is likely that these solutions will require adequate and stable infrastructure and operations funding to fully address.

I am unfamiliar with the accident in Lula Georgia. Safety has to be a top priority and I will learn about the causes of that crash and learn what response Amtrak has taken to prevent such crashes in the future. If there are systemic issues that have been discovered, I will push to address that safety issue systemically.

Amtrak Expansion in the Southeast

The Bipartisan Infrastructure Law, which I was proud to support, includes nearly \$13 billion for Amtrak grants for activities associated with the National Network

¹*Justice Department Files Complaint Against Norfolk Southern to Stop Amtrak Passenger Train Delays*, Department of Justice (Jul. 30, 2024), <https://www.justice.gov/opa/pr/justice-department-files-complaint-against-norfolk-southern-stop-amtrak-passenger-train>.

²*Id.*

³Complaint ¶35(a), *United States of America v. Norfolk Southern Corporation and Norfolk Southern Railway Company*, No. 24-cv-02226 (D.D.C. Jul. 30, 2024), <https://www.justice.gov/opa/media/1362071/dl?inline> ("On August 22, 2022, Crescent 19 was delayed for 55 minutes when it was forced to follow Norfolk Southern train 29S-22 for 115 miles from Bremen, Georgia, to Birmingham, Alabama, because there were no sidings along the route long enough to accommodate Norfolk Southern train 29S-22").

⁴*Pickup truck hit by train in Lula, all three occupants injured*, access WDUN (Jul. 30, 2024), <https://accesswdun.com/article/2024/7/1255087/travel-issues-in-banks-county-following-train-collision-with-pickup-truck>.

and over \$1.3 billion in funding for the Federal Railroad Administration (FRA) to carry out railroad safety activities. On December 8, 2023, FRA announced selections through the Corridor Identification and Development Program to create a pipeline of intercity passenger rail projects ready for implementation and future investment.⁵ These selections include three grants, totaling \$1.5 million, to explore new passenger rail routes across Georgia and into neighboring states.⁶ The Fiscal Year 2025 Transportation, Housing and Urban Development government funding bill also includes \$10 million for Amtrak to build a new intercity passenger rail hub station in Atlanta.⁷ This support is a good starting point, but there is clearly more work to be done to expand rail access in Georgia and the greater southeast.

Question 1. In general, does the presence of passenger rail service increase commercial, business, and tourism opportunities?

Answer. Passenger rail has repeatedly shown positive economic benefits. Looking just at costs is the wrong way to analyze new service, we must project the economic gain and when that is done that gain is significant. Amtrak's many services return between \$7 billion and \$8 billion each year to our Nation's GDP four times what we typically invest in the service. With the increased authorization that GDP impact is also increasing

Question 2. Will you commit to comprehensively analyzing the feasibility and economic potential of these routes?

Answer. Amtrak must conduct such analysis to prioritize the new service that will be recommended by the FRA long distance service study. One flaw in that study is that it did not explore economic gain other than a very cursory look based on assumptions applied to other data. There are models, such as the one designed by southern Mississippi University that can be applied to that analysis. If confirmed, I will ask that a model is identified and used to help Amtrak prioritize the new service and study existing service to help the board make decisions and so Americans understand the benefits of Amtrak service.

Question 3. How do centralized, modern rail hub stations, like the new proposed Atlanta rail hub station, support passenger rail ridership and improve the ridership experience?

Answer. The expanded national network envisions the new rail hub activity for passenger rail in Atlanta and Dallas on the national network overlaying the state supported CID corridors and the preferred long-distance routes. By learning from the success of the hubs along the Northeast Corridor and the services that meet in Chicago it's clear that dense networks of interconnecting routes benefit riders with more destinations and boosts the economic activity at the hub and support these expansions as sufficient funding is authorized. If confirmed, as an Amtrak Board member, I will also be interested in ensuring that Amtrak does all it can to make the passenger experience in ticketing, transferring between routes and the onboard experience as seamless and convenient as possible.

Question 4. Will you commit to exploring all opportunities to improve the Atlanta and Savannah Amtrak stations to prepare them for passenger rail expansion?

Answer. In my experience station improvements are best achieved through strong partnerships that include local interests and stewardship. There are myriad programs in IIJA that can support these improvements and if confirmed I would work as a board member to ensure that the needed partnerships are nurtured and utilized to find and support applications for the appropriate grants to complete this work.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. SHELLEY MOORE CAPITO TO
ELAINE CLEGG

Question 1. I know that you are an advocate for long-haul Amtrak routes. Both the Cardinal route and Capitol Limited are critical to West Virginia. Right now, the Cardinal route operates 3 times a week and serves 8 stations. It gives my state important connections with major cities, but we need it to run daily in order to really

⁵ *President Biden Announces \$8.2 Billion in New Grants for High-Speed Rail and Pipeline of Projects Nationwide*, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/about-fra/communications/newsroom/press-releases/president-biden-announces-82-billion-new-grants>.

⁶ *FY22 Corridor Identification and Development Program Selections*, Federal Railroad Administration (Dec. 8, 2023), <https://railroads.dot.gov/sites/fra.dot.gov/files/2023-12/FY22%20CID%20Project%20Summaries-Map-r1.pdf>.

⁷ *Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2025*, S. 4796, 118th Cong. (2024).

boost the economy as well as the visitor experience. West Virginia is a beautiful place and should be accessible 7 days a week on this line, and I know that Amtrak received funding to begin working towards daily service. Aside from more appropriated funds, what other ways could long-haul routes be prioritized more? If confirmed, can you commit to working towards the goal of daily service on the Cardinal route?

Answer. Frequency on long-distance services is key to building ridership and reliability. Applications for restoration of the Cardinal and the Sunset Limited to daily service were both chosen as Corridor Identification program (CID) projects and work has begun to assess the cost and operating challenges of that service. As such it is my understanding that the assessment of FRA is to recommend restoring those to daily service as part of the recommendation, they intend to make on for the Long-Distance Service Study as preferred routes. If confirmed I commit to growing the national long-distance network not just in the west but to work toward implementing all of the recommendations on service and preferred routes from the study. This includes the Cardinal. While the funding in IIJA is a tremendous step up from previous levels it may not be sufficient given the long neglect of growing the network. I look forward to working with Amtrak, the administration and congress in identifying and working toward the level of funding that may be needed for these improvements.

