

2011 HOUSE TRANSPORTATION

HCR 3010

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HCR 3010
02/10/2011
Job # 14336

☐ Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

HCR 3010 is a concurrent resolution directing the Legislative Management to study passenger rail service within the state, including options for the implementation of a passenger rail service route in the southern part of the state.

Minutes:

Attachments # 1-3

Representative Joe Kroeber, District 12 in Jamestown, spoke to support of HCR 3010. He provided written testimony. See attachment #1.

Representative R. Kelsch: Could you elaborate on the rail system itself, how you believe this would work?

Representative Joe Kroeber: To my knowledge this would just be an Amtrak passenger train. It would be the same model that we had when there was a southern route from 1971-1979. It would use the same track that the other trains use now. There are twenty-four trains that go through Jamestown now, so then it would be twenty-five.

Representative R. Kelsch: Would it be high speed, or would it be about the same speed as I would get there driving?

Representative Joe Kroeber: I would not be high speed, but it would be the same as the Amtrak passenger train that runs through Minot at this time. This study will see what is happening in other parts of the state, and if we could get this expanded service. We just want to see what we can do to help improve our chances of restoring the southern route.

Representative Gruchalla: Have you checked to see if the current track is capable to haul a passenger train?

Representative Joe Kroeber: I am assuming that the northern route has the same track as the southern route, so, I don't think it would be any different.

Representative Gruchalla: I was just wondering if a passenger train has a special track.

Representative Joe Kroeber: I don't know that for sure.

Chairman Ruby: In resolution it talks about the Midwest Interstate Passenger Rail Compact that we are a member of. Is that a compact of states that are looking into the feasibility of and the ability to have passenger rail service in the states? So, is that already being done?

Representative Joe Kroeber: I think that is correct. This is to make people aware that there is this compact going on, and to help increase this service.

Chairman Ruby: You mentioned in your testimony that the Empire Builder is the most profitable. Is it really profitable, or is it losing the least money? I know a lot of this is heavily subsidized.

Representative Joe Kroeber: You are correct. It is not profitable, but it is losing the least amount of money.

Representative Owens: Do you have any idea why the North Coast Hiawatha Line ended after eight years?

Representative Joe Kroeber: I don't know that .

Veronica Zietz, Executive Director at the ARC of Bismarck, spoke in support of HCR 3010. She provided written testimony. See attachment #2.

Vice Chairman Weiler: You stated that about 30% of the people with disabilities in the United States consider transportation inadequate. Do you have any statistics for North Dakota?

Veronica Zietz: I do not have those numbers.

Representative R. Kelsch: Have you done any type of a survey or try to ask questions about who would utilize the rail if it were available?

Veronica Zietz: We did not do a formal survey, but we did a lot of asking around. I serve as an advisor for a self advocacy group located in Bismarck with forty members. In general, transportation is one the biggest issues for people with disabilities in North Dakota. Not having a reliable form of transportation stops people from going to weddings, getting to family reunions, visiting friends, etc. I actually have a written testimony from a self advocate in Bismarck. He asked that I bring it to you. He stated that he and people like him would be using the rail to make connections with people around the state or going on trips.

Veronica Zietz also distributed written testimony from Leon Dietrich in support of HCR 3010. See attachment #3.

Chairman Ruby: I understand that the people that you represent need transportation. There have been a lot of efforts to improve public transit. Don't you think that since the rail will not go to every town, wouldn't bussing be more beneficial to people you represent?

Veronica Zietz: I think that any improvement in transportation in any form would be beneficial to the population that I represent. I do think that doing a study such as suggested in this resolution could help make those determinations.

There was no further testimony in support of HCR 3010.

There was no testimony in opposition to HCR 3010.

Ron Hoff, the Brotherhood of Local Engineers, spoke in a neutral position and to answer some questions that were asked.

Ron Hoff: In 1978 about the time that the federal government was taking over Amtrak, they were cutting lines. The North Coast Hiawatha Line was cut. At the time that it was cut it was the highest ridership line that they had through the northern part of the country. We don't know why they cut it. The north line Amtrak has a 70 mph speed limit restriction. Our southern line has a 60 mph speed limit. Amtrak will probably be restricted to that.

Representative Owens: Was the Hiawatha line a subsidized line back then?

Ron Hoff: At that time I think that all the lines were subsidized, as they are now.

Chairman Ruby: I am surprised that you are neutral on this.

Ron Hoff: Personally, I think that the study does deserve to go forward. For my group we would see a very minimal increase in engineers and trainmen, but there would be a number of jobs added in the state if Amtrak would be reinstated in southern North Dakota.

Representative Vigesaa: Has anything changed since 1979 that might make it difficult to schedule these passenger trains in the southern part of the state?

Ron Hoff: Since 1978 we have seen an increase in rail traffic, particularly with the coal trains. The sidings have been lengthened which is where the trains pass each other, and they are adequate to run more trains, especially since passenger trains are shorter. When the railroad has a derailment; they move trains up here.

Representative R. Kelsch: Are you saying that there would not have to be any upgrades to the current rails?

Ron Hoff: It would depend on what speed they want to run the train. If they run it at the 60 mph speed limit, there would not have to be any upgrades. If they want to run it faster, there may have to be some.

Representative Vigesaa: Would Amtrak have to blow their whistles at all private crossings?

Ron Hoff: They will have to blow their whistles at all whistle stops, the same as a freight train.

Chairman Ruby: We are part of the Compact referred to earlier. What involvement has the state had, and what results have taken place from that involvement?

Bob Fode, North Dakota Department of Transportation: We are involved in the Compact as a state, but the involvement is a Representative or a Senator that sits on the committee it is not the Department of Transportation. So, I really don't have the answer to that question.

Someone stated that **Representative Koppelman** sits on the committee.

There was no further testimony on HCR 3010.
The hearing on HCR 3010 was closed.

The committee took a break until after lunch.

Chairman Ruby brought HCR 3010 back before the committee.

Chairman Ruby: I found out that there is just one citizen member on the Compact. He is appointed by... (Response from someone in committee, but it was inaudible, mic not turned on) and Rep. Koppelman is also on it. There is room for two more places for a Representative and a Senator on the Compact that are not filled. I think that Legislative Management would probably appoint those positions. It sounds as if we have not been very active in this Compact. I understand that Montana is very active in trying to get rail service going. I don't see how it will work, since it is so heavily subsidized.

Representative Weisz: Midwest Interstate Passenger Rail Compact was started in 2001, but the main focus of it was for light rail. I am not sure when North Dakota will look at light rail, but it may be far in the future. I think that is why you see little participation or activity.

Representative Gruchalla: In the east side of the state there was a lot of talk about getting rail traffic back. This was after losing the Greyhound bus service. The north passenger train is fully booked all the time. It is a viable service. The tracks are there, and I think it is worthwhile studying the feasibility of it.

Representative Onstad moved a DO PASS on HCR 3010 and to be placed on the consent calendar.

Representative Gruchalla seconded the motion.

Chairman Ruby: I am not sure what we accomplish with this study.

Representative Delmore: This will go through the two major cities in North Dakota, and there are a lot of people that will want to ride on this train. I think it would be a good idea to look at this.

Representative Hogan: I hear three things that are going on that are relevant. If Montana is doing a major study, we may want to find out what they are doing. If they are looking at expansion, then it may have implications for North Dakota. The long term expansion from Minneapolis to Fargo is on the books. No one expected the light rail to go to Big Lake as

fast as it did. There is also federal train money coming out. I think that these are variables that are relevant to this study.

Representative Onstad: Not so many years ago you could walk up to the train station in Minot and get a ticket and board. That is not the case now. Part of this study will illustrate why the traffic increased, and decide if the reason for the increase is a good reason to move the southern line again.

A roll call vote was taken on HCR 3010. Aye 14 Nay 0 Absent 0
The motion passed and HCR 3010 will be placed on the consent calendar.
Representative Onstad will carry HCR 3010.

Date: 2 - 10 - 11Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HCR 3010House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Onstad Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Keisch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0Absent 0Floor Assignment Onstad

If the vote is on an amendment, briefly indicate intent:

Do pass
on consent
on calendar

REPORT OF STANDING COMMITTEE

HCR 3010: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3010 was placed on the Tenth order on the calendar.

2011 SENATE TRANSPORTATION

HCR 3010

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee Lewis and Clark Room, State Capitol

HCR 3010
March 10, 2011
15255

☐ Conference Committee

Hange

Explanation or reason for introduction of bill/resolution:

A resolution to study passenger rail service within the state, including options for the restoration of a passenger rail service route in the southern part of the state.

Minutes:

Written testimony

Chairman Senator G. Lee opened the hearing on HCR 3010.

Representative Kroeber, District 12, introduced HCR 3010 and asked the transportation committee to support this study resolution. Written testimony #1

Marc Halvorson, State Legislative Director for the United Transportation Union, testified in support of HCR 3010. Written testimony #2

Senator Sitte asked if passenger trains have to pay a fee to the track owners.

Mr. Halvorson said that he couldn't answer that.

Senator Sitte asked how many coal trains go through.

Mr. Halvorson replied that under the study by Amtrak, that there are about 21-26 trains per day on this segment of track in our territory.

Senator Sitte asked if there would be a problem adding more trains because we don't want to cut down on our commercial traffic.

Mr. Halvorson answered that under the Amtrak proposal there would have to be substantial updates in the infrastructure to accommodate.

Senator Nething said that they no longer have a depot in Jamestown. He asked if there were other places along the line where they would have to replace facilities.

Mr. Halvorson replied yes, under the study there would have to be updates on the depots or replacement. Also they would all have to be handicap accessible.

Senator Mathern asked if the 79 mph speed limit was for both commercial and passenger trains.

Mr. Halvorson said the maximum for freight trains is 60 mph, coal trains 50 mph, and Amtrak 79 mph. There are variations in speed on trains in the report.

Senator Sitte asked who would pay for the upgrades on the tracks and switches etc. Will it be all of Amtrak costs?

Mr. Halvorson replied that under the report that he read from Amtrak, there would be Federal funding and they are also asking for state funding. He said that the cost is now undetermined.

Senator Lee asked how many employees this would add in our state.

Mr. Halvorson said the study showed approximately 269 employees from Chicago to Portland. This would not include infrastructure employees.

Veronica Zietz, Executive Director of The Arc in Bismarck testified in support of HCR 3010. Written testimony #3. She also presented a letter from Leon Dietrich in support of HCR 3010.
#4

No opposing testimony.

Ron Hoff representing the Brotherhood of Engineer and Trainmen testified in a neutral position to help answer some question asked previously. In answer to Senator Sitte's question on costs, usually the cost would be shared between the Federal, State and sometimes even the railroad itself. This would be negotiated. The reason for the study would be to answer these types of questions.

Further discussion followed on cost shares, depots, and capacity of the line.

Senator Lee asked if other states have done this study.

Mr. Hoff said that he didn't know about any certain states except Montana is really pushing for this Hiawatha Line.

Senator Lee closed the hearing on HCR 3010.

Senator Nething moved a **Do pass**.

Senator Sitte seconded the motion.

Roll call vote: 6-0-0. **Motion passed.**

Carrier is **Senator Nething**.

Date: 3-10-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3010

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nething Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Nething

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3010: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3010 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

HCR 3010

HCR#3010

Chairman Ruby and members of the Transportation Committee. I am Joe Kroeber, Rep. from District 12 which makes up 5/6 of Jamestown. HCR#3010 is a resolution to study passenger rail service within the state, including options for the restoration of a passenger rail service route in the Southern part of the state.

This Southern line is often referred to as the North Coast Hiawatha Line which would go from Chicago-Minneapolis-Fargo-Valley City-Jamestown-Bismarck-Dickinson-Billings-Missoula-Spokane-Portland. This line did pass through all of these cities from 1971-1979.

The Passenger Rail Investment & Improvement Act of 2008 required Amtrak to study expanded service which included the North Coast Hiawatha Line. It also included the Pioneer Line which would travel from Denver-Cheyenne-Ogden-Boise-Portland. The third line considered was the Desert Wind from Salt Lake City-Las Vegas-Los Angeles.

The Empire Builder (Amtrak) does serve the Northern part of the State as it goes from Fargo-Devils Lake-Minot-Williston & through Northern Montana. This is the most profitable Amtrak train and it is difficult to get a reservation in ND.

There has been new interest in this Southern line within ND with a National Train Day event in Jamestown and resolutions passed in support of this line from the cities of Jamestown, Valley City, Bismarck, Dickinson, and Missoula, Montana.

This option would improve rail service by connecting more cities, providing additional transportation services to people who cannot fly or drive and add efficiency and rider ship to the Amtrak system. The NC-H would run through Medora and enable visitors to arrive by train thus increasing the number of people visiting our Theodore Roosevelt National Park. It would also reduce the amount of energy used for travel.

Mr. Chairman & Members of the Transportation Committee I ask for your support of this study resolution. I would be happy to try and answer any questions you may have.



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Testimony of Support House Concurrent Resolution 3010
Transportation Committee
February 10, 2011

Good morning Chairmen Ruby and members of Transportation Committee. My name is Veronica Zietz (#99); I am the Executive Director at The Arc of Bismarck and I'm here today representing both The Arc of Bismarck and The Arc of Cass County. The Arc is an organization that provides education and advocacy to people with disabilities to foster empowerment and full inclusion in the community.

The Arc supports House Concurrent Resolution 3010, which would provide for a study of a passenger rail service in southern North Dakota. Public transportation is extremely limited in North Dakota and this truly affects the independence of people with a disability. It is estimated that about 30% of people with disabilities in the United States consider transportation inadequate and more than half of those individuals have major problems with transportation. The completion of the study, as suggested in this resolution, could identify the efficiencies and benefits of passenger rail for individuals with disabilities and others who rely on public transportation. Once these problems are identified we could then take the initiative to improve our current transportation system.

A lack of transportation is a huge problem for individuals that have a disability. Accessible transportation is often an indicator of employment, political participation, socializing, religious attendance and overall quality of life. It is necessary for all individuals, including those with a disability to have access to reliable and affordable transportation for the sake of their health and their livelihood. North Dakota's public transportation system is seriously lacking in both urban and rural areas. This is especially apparent in the areas of interstate and intercity travel, which is a big challenge for individuals with disabilities. Transportation out of town and state is often medically necessary for individuals with disabilities who have unique health conditions and cannot receive appropriate services in their community; in situations such as this transportation is not always available or affordable.

House Concurrent Resolution 3010 will make it possible to realize the advantages of a passenger rail service, a much needed service in the southern part of our state. A study such as this will allow the legislature to propose possible solutions and adequately attend to this public transportation problem. I urge the committee to support House Concurrent Resolution 3010. Thank you for your time and consideration.

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Testimony of Support
House Concurrent Resolution 3010
February 10, 2011

Good morning Chairman Ruby and members of the Transportation Committee. My name is Leon Dietrich and I live in district #35. I am in support of Concurrent Resolution No. 3010. I'm a non-driver and in favor of a study of the rail system in the south part of the state. We have coal trains that come through Bismarck every hour on the hour and I think we need another option for travel like a passenger train that comes through our area. I know several years ago I went with a group of people on a trip Washington on a passenger train. I discovered it probably was one of the safest and fastest ways to travel. I know if we had a train service coming through Bismarck that I would probably travel to Fargo in the fall to see some of my Camp Metigoshe friends and probably to do some Christmas shopping at West Acres. In closing, I urge you to support the study of a rail service in southern North Dakota.

Thank you for time and consideration.

Sincerely,
Leon Dietrich *Leon Dietrich*
420 East Main #409
Bismarck, ND 58501
701-220-4320

HCR#3010

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MARC HALVORSON
North Dakota Legislative Director

united transportation union

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My name is Marc Halvorson and I am the State Legislative Director for the United Transportation Union. I represent approximately 1200 active and retired members in the State of North Dakota.

I would like to thank Chairman Lee and the committee for the opportunity to speak in support of HCR 3010.

Public transportation alternatives have been limited within our state, bus travel between many points requires transferring from bus to bus and airline service to certain destinations is limited and can be expensive. Taking into consideration our severe winter weather conditions that our state endures, restoring the North Coast Hiawatha Passenger rail route in North Dakota would be of great benefit to North Dakota residents. How many times this year have our interstate roads been closed, airports canceling flights due to inclement weather? The North Coast Hiawatha Passenger train route would give North Dakotan's an alternate means of transportation within our state. Amtrak President and CEO Joe Boardman recently stated, "With oil approaching \$100.00 a barrel, we expect to continue to post strong rider ship numbers as more and more people choose Amtrak to meet their transportation needs." Specifically, the Empire Builder, which runs on the northern corridor of the state, had a 7.4 percent increase in ridership in January 2011 vs. January 2010. Since 2000, overall ridership has grown by 36%.

The North Coast Hiawatha Passenger train route would service 6 major communities in North Dakota, Fargo, Valley City, Jamestown, Bismarck, Mandan, and Dickinson. The implementation of the North Coast Hiawatha Passenger train service could open business opportunities for the state. Even our legislator's would have the ability to utilize passenger service from there districts to our state capital.

The maximum authorized speed for Amtrak Passenger train service on our territory (BNSF) is 79 MPH in comparison to 150-200 MPH trains in Europe and Asia. Why is our passenger train service so antiquated in relation to other countries? In the past, Amtrak funding has always been under funded in comparison to Interstate highway and Aviation funding. For example, US Department of Transportation Funding in 2002 showed federal highway subsidies at \$32 billion and aviation getting \$14 billion in federal subsidies. At the same time, Amtrak received only \$521 million in federal funding. Our state needs to make a commitment to have a viable passenger rail service in North Dakota.

Implementation of the North Coast Hiawatha Passenger train route in North Dakota would be a great benefit to our residents and to our business community as well. I ask that you support HCR 3010.

Thank you.

**Marc Halvorson
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3

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The Arc supports House Concurrent Resolution 3010, which would provide for a study of a passenger rail service in southern North Dakota. Public transportation is extremely limited in North Dakota and this truly affects the independence of people with a disability. It is estimated that about 30% of people with disabilities in the United States consider transportation inadequate and more than half of those individuals have major problems with transportation. This problem is amplified in a rural state such as North Dakota. A study published by the Small Urban & Rural Transit Center in 2009 stated that the rates of satisfaction for transportation on long distance trips among people with a disability was very low; 60% indicated dissatisfaction of those 36% of individuals were very dissatisfied, these statistics are North Dakota specific. The completion of the study, as suggested in this resolution, could identify the efficiencies and benefits of passenger rail for individuals with disabilities and others who rely on public transportation. Once these problems are identified we could then take the initiative to improve our current transportation system and meet the needs of citizens.

A lack of transportation is a huge problem for individuals that have a disability. Accessible transportation is often an indicator of employment, political participation, socializing, religious attendance and overall quality of life. It is necessary for all individuals, including those with a disability to have access to reliable and affordable transportation for the sake of their health and their livelihood. North Dakota's public transportation system is seriously lacking in both urban and rural areas. This is especially apparent in the areas of interstate and intercity travel, which is a big challenge for individuals with disabilities. Transportation out of town and state is often medically necessary for individuals with disabilities who have unique health conditions and cannot receive appropriate services in their community; in situations such as this transportation is not always available or affordable.

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