



EBTC Members are the Transportation Agencies of the U.S. States of Michigan, New York, Vermont and Maine and the Canadian Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, and Newfoundland & Labrador

(Honorary members are the Southeast Michigan Council of Governments, the Greater Buffalo-Niagara Regional Transportation Council and the Regional Municipality of Niagara)

ISSUE: IMPROVING AND EXPANDING CROSS BORDER RAIL PASSENGER SERVICE

BACKGROUND

Preclearance makes air travel easier for the millions of passengers moving between Canada and the United States each year by allowing them to be cleared for entry to the United States before departing from Canadian airports. The United States has provided preclearance services in major Canadian airports for more than 50 years, operating under the provisions specified in the 1974 Canada-U.S. Air Transport Preclearance Agreement (last updated in 1999).

While the language in the Preclearance Act states it is intended to “facilitate the movement of travelers and goods across the border between the two countries by all means of transportation” it is currently limited to clearance from airports. Expanding the existing authority to intercity passenger rail services would reduce border clearance time and expand the viability and success of international intercity passenger rail service, while also providing increased security for both countries through advanced screening and interception of any high-risk travellers.

The recent experience of the State of Washington’s *Cascades* service, which has some ability to pre-inspect (but not full pre-clearance) has laid the groundwork for these changes.

CURRENT SITUATION:

Currently, international intercity passenger rail services exist on the following routes:

- *Cascades* Service between Seattle, WA and Vancouver, BC
- *Maple Leaf* service through Niagara Falls, NY to Toronto, ON
- *Adirondack* Service from New York City, NY to Montreal, QC

In addition, Vermont is actively working to re-establish service along its *Vermont* route from Washington DC to Montreal, QC via St Albans, VT; the State of Michigan has expressed interest in re-establishing passenger service between Detroit, MI and Toronto via Windsor, ON; and the State of Maine is exploring service between Portland, ME and Montreal, QC.

Currently, any passenger screening and security clearance agreements for cross-border rail services are negotiated on a case-by-case basis, with no national framework in either Canada or the United States to guide the transportation or security agencies or the rail service providers. Since the security agencies also operate under regional unit jurisdictions, this creates a very cumbersome and inefficient process for delivery of services to all parties.

The *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan*, released on December 7, 2011, called for the countries to negotiate a pre-clearance agreement for land, marine and rail modes by December 2012 to enable border security forces to be able out to carry out their missions in the other country. As part of this initiative, a pilot program is being developed to enable the U.S. Customs and Border Patrol to conduct full preclearance of rail passengers in Vancouver, British Columbia.

EBTC ACTION:

- EBTC strongly supports the concept of pre-clearance as an effective means of reducing border crossing times for intercity passenger rail service, and improving the viability of these services, while also meeting safety and security goals for both countries.
- EBTC will continue to support efforts of its member agencies to expand pre-clearance to rail operations. EBTC will monitor this issue, and provide support for the efforts at every opportunity. As a specific action, EBTC will work with the Transportation Border Working Group's newly formed passenger rail working group to move forward on this and other rail and border issues. EBTC has also prepared a background paper to articulate the specific benefits associated with pre-clearance. As part of its efforts, EBTC anticipates sharing this paper with Transport Canada, USDOT, Amtrak and other interested parties.
- Prior to implementation of pre-clearance at the Montreal facility, a treaty between the governments of Canada and the United States will need to be negotiated and ratified by the federal legislative bodies. EBTC will continue to work with and assist the TBWG to provide technical information and other required background materials as necessary for the negotiation process.