



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

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

ISSUE: Improve and Expand 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 advance 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 preclearance) 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 Vermonter 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.

Preclearance in Montreal would provide safety and security benefits for cross border rail service, would reduce travel time on New York's *Adirondack* Service by at least one hour in each direction, and would support reinstated service between Vermont and Montreal. Amtrak, with support from Vermont, New York State and Quebec has developed a draft design proposal for a preclearance facility at Central Station, Montreal. Final concurrence from CBP on the draft design has been on hold pending a preclearance agreement between the two countries covering surface transportation.

RECENT DEVELOPMENTS

In March 2015, the *Agreement on Land, Rail, Marine and Air Transportation Preclearance Between the Government of Canada and the Government of the United States* was announced by Canada's Minister of Public Safety and Emergency Preparedness and the U.S. Secretary of Homeland Security. The agreement provides the legal framework to allow each inspection agency to perform its duties in the other country and would allow for consideration of requests for new preclearance locations across all modes. Before preclearance can be implemented and any projects can be advanced, the agreement must be enacted by legislation in the Canadian Parliament. Although the agreement itself does not require US Congressional action, legislation in the U.S. Congress is required to give the US extraterritorial jurisdiction over preclearance officers. The Promoting Travel, Commerce, and National Security Act would provide for protection and accountability of preclearance officers while they perform official duties in Canada.

EBTC ACTION:

- EBTC strongly supports the concept of preclearance 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 related to expansion of preclearance to rail operations. EBTC will monitor this issue, and provide support for these efforts at every opportunity.
- EBTC will continue to work with and assist the Canada-U.S. Transportation Border Working Group (TBWG), providing technical information and other required materials as necessary for the negotiation process.
- EBTC will monitor the progress of the required legislation in both the Canadian Parliament and the U.S. Congress and work with key officials representing EBTC states and provinces, as appropriate, to support the timely passage of legislation authorizing preclearance and extraterritorial jurisdiction.
- EBTC will host a freight and passenger rail conference in April in Detroit in conjunction with its annual workshop. A key focus will be on the status of preclearance legislation and the proposed next steps by the border enforcement and transportation agencies to allow preclearance to come to fruition.
- EBTC will work with the States for Passenger Rail Coalition (SPRC) and the AASHTO Standing Committee on Rail Transportation (SCORT) to provide appropriate input to proposed preclearance legislation and rules and regulations proposed by the federal oversight agencies for its implementation.