

United States Senate

WASHINGTON, DC 20510

October 8, 2015

Secretary Anthony Foxx
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Dear Secretary Foxx,

We are concerned that the Railroad Rehabilitation Improvement Financing Program (RRIF) program is not being fully utilized the way Congress intended when it created the program in 1998. The RRIF program has utilized less than five percent of its \$35 billion authorization and despite legislative language that allows loans for Transit Oriented Development (TOD), the City of Chicago has been informed by the Chief Counsel at the Federal Railroad Administration (FRA) that it cannot apply for a loan with this use.

RRIF loans for TOD are essential to stakeholders planning to significantly develop multi-modal stations. In Chicago, the city and its partners would like to move forward with an ambitious and well-developed plan to expand its Union Station's passenger rail capabilities while simultaneously enhancing the economic development of a section of the city ripe with potential. The City of Philadelphia and its partners are working to redevelop the 30th Street Station to improve regional transportation and spur economic growth. Utilizing RRIF to unleash this growth in Chicago and Philadelphia is a prime example of how TOD can create jobs and grow the American economy across the country.

Current law makes it clear that RRIF eligibility extends to TOD. Under 45 U.S.C. 822, direct loans and loan guarantees provided through RRIF shall be used to, "acquire, improve, or rehabilitate intermodal facilities, including track, buildings, and shops." Furthermore in the DRIVE Act, H.R. 22, which the Senate passed on July 30, the Senate clarified that the program is intended by Congress to be used for TOD by expanding this eligible purpose to include, "costs related to these activities." For further clarification, the Senate expanded the statutory priority list used by the FRA to evaluate RRIF applications by adding projects that "improve railroad stations and passenger facilities and increase transit-oriented development."

The Congressional intent and the statutory guidance are clear. The RRIF program should be utilized for TOD. This type of use is extremely important to our major cities, including Chicago and Philadelphia. Please provide us with your Department's position on this topic so we can address any concerns or misunderstandings.

Sincerely,



Mark Kirk
United States Senator



Richard J. Durbin
United States Senator



Robert P. Casey Jr.
United States Senator

cc: The Honorable Sarah Feinberg, Federal Railroad Administrator