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February 8, 2016

Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: Docket No. EP 726

Dear Surface Transportation Board members:

The Virginia Rail Policy Institute (VRPI) responds to the invitation of the Surface Transportation Board to comment on its proposed rulemaking to define On-Time Performance (OTP) of Intercity Passenger Rail Service. The following comments are submitted by the Executive Committee on behalf of the Board of Directors and Fellows of VRPI.

VRPI's mission is to strengthen and improve public policy with respect to both freight and passenger rail in the Commonwealth of Virginia through objective and rigorous research, publication, education, and outreach. Our Executive Committee, Directors, and Fellows have extensive private and public sector experience in both freight and passenger rail, as well as in economics, law, public policy and planning. A roster of our members, including brief biographies, can be found at <http://www.varpi.org/node/27>.

VRPI's position. VRPI agrees with and supports the positions of both Amtrak and the Midwest High Speed Rail Association to the effect that OTP should be measured at intermediate stops along Amtrak routes as well as at the terminus stations, and that OTP at these stations should be held to the same standards as those at the terminus. The existing All-Stations OTP (ASOTP) measure should be retained and the host railroads held to a 15-minute tolerance at each station, consistent with original Congressional intent.

Statutory and Regulatory precedent: VRPI believes the STB's proposed definition of OTP relies upon faulty interpretations of the statutory and regulatory precedents for this ruling; we strongly agree with Amtrak's counter interpretations. Moreover, it is of great concern that the STB's proposed restriction of OTP to endpoint measurement will have the unintended consequence of working *against* the dependability and timeliness of Amtrak services, instead of working in their favor. This likely outcome would be inconsistent with the STB's designated role as the guardian of the public interest and protector of the federal government's investments in intercity passenger rail.

Potential Impacts of the Proposed Ruling: Declines in Amtrak's on-time performance at Intermediate Stations.

By proposing that the measurement of OTP be restricted to Amtrak's end-point stations to the exclusion of intermediate stops, the STB has failed to consider the need for reliable, on-time service for the majority of Amtrak passengers, 65% of whom detrain at intermediate stations. This is simply unfair to the majority of intercity rail passengers who deserve and need reliable service at intermediate stations as well as terminal points.

As a matter of practice, the host railroads regularly use the padding built into Amtrak's scheduled end-point arrival times to cover losses in time at other points along the route. The proposed rule not only enables this practice, but actually encourages it by making it legal by definition. Delays on the rest of the route will not affect OTP, as long as the train arrives "on time" at the end of the line. If the end schedule is padded with even more minutes of extra time, even longer lapses in OTP can be tolerated at intermediate stations, as long as the train arrives within the defined limits at the end station. This may be good for the host railroad, but it is devastating for passengers at intermediate stations who experience service delays as a result. Consider the plight of a passenger at an unattended station, in the dead of night in winter, waiting for a late train. Or the passenger who misses a business appointment and loses income due to late arrival. That their train arrived on time at the endpoint is of little comfort, and passengers will not risk repeating such experiences.

Potential Impacts of the Proposed Ruling: Declines in Amtrak ridership and revenue, at ultimate expense to the taxpayers:

VRPI believes the proposed ruling will work to the detriment of reliable, dependable service for the majority of intercity rail passengers. A large part of the problem faced by Amtrak today with respect to OTP stems from operations-driven problems of the freight railroads. If OTP scores only reflect a fraction of the stations in the Amtrak system, as proposed, the host railroads will have little incentive to improve performance across the system. If the proposed definition of OTP is adopted, one can reasonably predict that on-time service will decline at the 90% of Amtrak stations that are not endpoints, and that potentially large declines in Amtrak ridership, with proportionate declines in revenue, will ensue.

Ultimately, it is the federal taxpayers who will pay for Amtrak's losses, in effect subsidizing those operational practices by the host railroads that result in frequent interference with passenger trains. The Commonwealth of Virginia's has also made extensive financial investments in rail to facilitate passenger rail service; that these investments may not be realized, or will be rendered ineffective, if OTP is measured as proposed is also of great concern to VRPI.

As long as OTP at endpoints is kept within tolerable limits, Amtrak will be prevented from having recourse under the law, even as system-wide declines in service are occurring. We do not believe this was the intent of Congress. The STB should fulfill its role to protect the public interest and serve the needs of all intercity rail passengers by measuring OTP at all stations, and by enforcing a 15-minute All-Station standard of OTP across the entire Amtrak system.

The Problems of On-Time Performance are Symptomatic of a Larger Problem

It is a matter of great concern to VRPI that the proposed ruling represents a step backward from Congressional intent in the creation of Amtrak in 1970. We disagree with the perception that Congress created Amtrak for no other purpose than "...relieving the freight railroads of their common carrier obligation to provide passenger service," as the STB document says. Had this been the only consideration, Congress would have permitted the investor-owned railroads to simply discontinue all intercity passenger trains and be done with it. We submit that it was the intent of Congress to preserve, improve and restore intercity passenger rail service to a level that existed prior to Amtrak's May 1, 1971 takeover.

In subsequent actions, Congress has sought to balance Amtrak's position with respect to the host railroads by mandating preference for Amtrak trains in 1973 and building OTP protections into PRIIA in 2008. *Yet at no time in its history has that relationship been so out of balance.* With the exception of the Northeast Corridor, Amtrak passenger trains represent a very small fraction of all train activity. The freight railroads have dramatically reduced their network capacity for both volume and velocity, with the result that the quality of Class I railroad freight service has deteriorated dramatically since 1970. Freight operational problems all too often adversely affect Amtrak service, as is obvious to many of us who experience the impacts. In Richmond, VA in December, 2015, on two occasions CSX freight operational problems delayed a number of Amtrak trains for as much as five and six hours each. It comes as no surprise that ridership at Richmond's Main Street Station suffered a 12% decline in December. In the face of such conditions, the STB should be doing everything within its power to restore and enhance the performance of Amtrak services, rather than weakening its protections, which we believe the proposed ruling will do.

Thank you for the opportunity to comment on Docket No. EP 762.

Yours truly,

A handwritten signature in blue ink that reads "Meredith Richards". The signature is written in a cursive, flowing style.

Meredith Richards, VRPI President