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SERVICE DATE – DECEMBER 15, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35571

AMTRAK PETITION FOR DETERMINATION OF
PRIIA SECTION 209 COST METHODOLOGY

Decided: December 15, 2011

Pursuant to Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA),¹ the National Railroad Passenger Corporation (Amtrak) must develop and implement a single, nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak in connection with the operation of certain Amtrak routes. PRIIA Sec. 209(a). In developing and implementing this methodology, Amtrak must consult with the Secretary of Transportation, the governors of each relevant State, and the Mayor of the District of Columbia (or their representatives). *Id.* If Amtrak and the States (including the District of Columbia) in which Amtrak operates these routes do not voluntarily adopt and implement a methodology, then the Board must determine the appropriate methodology. PRIIA Section 209(c).

In a petition filed with the Board on November 21, 2011, and in supplemental filings made on November 23, December 5, and December 6, 2011, Amtrak indicates that among 19 “Covered States,”² 18 of them have formally agreed to adopt its proposed methodology. One state, Indiana, has declined to adopt the methodology. As a result, Amtrak requests that pursuant to PRIIA Section 209(c) and 49 C.F.R. § 1117.1, the Board: (1) determine that the methodology developed jointly by Amtrak and various States, establishing and allocating costs for state-supported Amtrak routes (Agreed Methodology), is the appropriate methodology under Section 209; and (2) require the full implementation of the Agreed Methodology pursuant to Section 209(c).

Amtrak served its petition and supplements on the 19 “Covered States” because they have an interest in this matter. Given that the Secretary of Transportation and the District of Columbia are also named in Section 209, the Board believes it is prudent that they be notified of the petition and supplements. Amtrak is therefore directed – no later than December 20, 2011 –

¹ P.L. 110-432, Div. B, Title II, § 209, codified at 49 U.S.C. § 24101 note.

² See Pet., Johnson Decl., ¶4 (listing Covered States: California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Virginia, Washington, and Wisconsin).

to serve the petition and supplements on the Secretary of Transportation and the District of Columbia, and contemporaneously to certify to the Board that it has done so. Those parties will have 20 days from the date of service to reply, if they choose to do so.

The appropriateness of the methodology will be addressed by the Board in a later decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Amtrak is directed – no later than December 20, 2011 – to serve the petition and supplements on the Secretary of Transportation and the District of Columbia, and contemporaneously to certify to the Board that it has done so. Those parties will have 20 days from the date of service to reply, if they choose to do so.

2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.