

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
  
WASHINGTON, D.C.

ENTERED  
Office of Proceedings  
February 19, 2016  
Part of  
Public Record

_____	)	
	)	
On-Time Performance Under Section 213	)	
Of The Passenger Rail Investment And	)	No. EP 726
Improvement Act of 2008	)	
	)	
Policy Statement On Implementing Intercity	)	
Passenger Train On-Time Performance And	)	No. EP 728
Preference Provisions Of	)	
49 U.S.C. § 24308(c) And (f)	)	
	)	
_____	)	

**UNITED STATES DEPARTMENT OF TRANSPORTATION'S  
REQUEST FOR EXTENSION OF REPLY COMMENT PERIODS**

The United States Department of Transportation (Department or DOT) and Federal Railroad Administration (FRA), an operating administration of DOT, respectfully request that the Board extend its reply comment periods in these two proceedings, which relate to the performance of passenger rail service. In proceeding No. EP 726, the Board's Notice of Proposed Rulemaking (NPRM) on the definition of on-time performance under Section 213 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), reply comments are due by February 29, 2016. In proceeding No. EP 728, the Board's proposed policy statement on defining the statutory "preference" requirement for passenger rail service, reply comments are due by March 14, 2016. DOT respectfully requests an extension of thirty (30) days on the reply comment periods in each of these proceedings.

As DOT explained in its opening submission in No. EP 726, these proceedings involve very important issues, with implications for passenger rail service now and into the future. DOT

has a critical interest in the questions that the Board has presented and is in the process of reviewing the numerous submissions that interested parties have offered to express views in these proceedings. Additional time for the reply comment periods would provide DOT and other stakeholders with a better opportunity to consider the Board's proposals and to develop more informed and robust comments on reply.

Undersigned counsel has contacted counsel for two of the primarily interested parties, Thomas H. Dupree for the Association of American Railroads (AAR), and William H. Herrmann for the National Railroad Passenger Corporation (Amtrak). Amtrak does not oppose the extension that DOT is requesting here. AAR has indicated that it is prepared to file reply comments by the originally scheduled dates, but does not object to DOT's request for an extension. DOT does not anticipate that any other party would be prejudiced by an extension of the reply comment periods in these proceedings.

Wherefore, the Department respectfully requests that the Board extend the reply comment period in No. EP 726 by thirty days, until March 30, 2016. The Department furthermore requests that the Board extend the comment period in No. EP 728 by thirty days, until April 13, 2016.

February 19, 2016

Respectfully submitted,



**Christopher S. Perry**  
Senior Trial Attorney  
*United States Department of Transportation*  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590  
(202) 366-9282  
christopher.perry@dot.gov