



ORIGINAL

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Before the
SURFACE TRANSPORTATION BOARD

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Ex Parte No. 726

ON-TIME PERFORMANCE UNDER SECTION 213 OF THE PASSENGER
RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

COMMENTS

Samuel J. Nasca,^{1/} for and on behalf of SMART/Transportation Division, New York State Legislative Board (SMART/TD-NY), submits these comments in response to the Surface Transportation Board (STB) Notice of Proposed Rulemaking (NPR) dated December 16, 2015 (served December 28, 2015), 80 Fed. Reg. 80737-41).

STB on May 13, 2015 (served May 15, 2015), issued its decision to institute a rulemaking proceeding to consider issues raised in a petition by Association of American Railroads (AAR) seeking to have the Board define "on-time performance" of passenger trains for purposes of §213 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), 49 U.S.C. §24308(f).

The STB's NPR proposed definition of "on-time" is the same 5 minutes per 100 miles or 30 minutes after scheduled arrival, whichever is less, as prescribed by the former Interstate Commerce Commission (ICC) in 1973. Adequacy of Intercity Rail Passenger Service, 344 I.C.C. 758 (1973). Cf. 49 CFR 1124.6 (1974).

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It is suggested that the standard over 40 years ago warrants improvement today to meet the requirements of intercity travel for the 21st century.

This commentor is advised that over 250 filings have been recently received from the public in this proceeding, which have not permitted timely review at the time of this submission.

Respectfully submitted,



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