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**Comments Submitted for STB Docket EP-726-0  
Proposal #1: Notice of Proposed Rule Making  
Definition of “On-Time Performance”  
February 5, 2016**

**Submitter**

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**A. Background**

**Proposal #1: Notice of Proposed Rule Making:  
Definition of “On-Time Performance”**

Definition of “on-time performance” for cases brought before STB under Section 213, Passenger Rail Investment and Improvement of Act (PRIIA) of 2008

Section 24080(f) allows the Board to initiate or Amtrak/Other Eligible Complainants to file a complaint with the STB requesting an investigation if the “**on-time performance**” of any inter-city passenger trains averages less than 80% for any two consecutive quarters.

A Train is “on time” if it arrives at last station no more than 5 min/100 miles traveled or 30 minutes after scheduled arrival time, whichever is less.

## B. Comments

I approve of the proposed Definition of “**On-Time Performance**” of the Surface Transportation Board (STB) for these reasons:

1. The failure of the Passenger Rail Improvement and Investment Act (PRIIA) of 2008 to define “**on-time performance**” leads to hopeless confusion, allowing each party to a dispute free to use a definition favorable to its own position. A reasonable definition of this term will provide **clarity** to all parties and result in the parties working on solutions rather than arguing definitions.
2. The proposed definition of “**On-Time Performance**” is a reasonable compromise between an overly strict standard (Train is late if it arrives one minute late.) and an overly generous standard (Train is late if it arrives one hour late.).
3. A quantitative, rather than a qualitative, standard for the definition of “**On-Time Performance**” is the only type of workable standard for the STB.
4. A proposed standard for “**On-Time Performance**” of 5 min per hundred miles and no more than 30 min, whichever is less is a high, but achievable, standard for inter-city passenger rail. In Northern Virginia, the Virginia Railway Express (VRE) commuter rail regularly exceeds an “**On-Time Performance**” of over 90%. To be “on-time”, VRE trains must reach their final destination only 5 min late in 55 miles (Fredericksburg Line). Commuter trains must make many more stops than intercity trains.

## C. Suggestion for Future Definition: “Unacceptably Late”

Some trains such as the Cardinal, Eastbound, Train 50, have suffered for years from a **gross lateness** of its trains (one to three hours late) at their final destination, New York City for too many of their runs. The STB should consider proposing in a future decision a standard for “**Unacceptable Late**” if a specific percentage of their runs (say 10%) arrive at their final destination more than one hour late. No train can effectively market itself to the public and gain more riders and revenue if it is frequently late and often “**Unacceptably Late**”. A determination of “**Unacceptable Late**” would then trigger hearings to understand the problems and authorize solutions to correct the problems.