

United States Senate
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July 13, 2012

Chairman Daniel R. Elliott III
Surface Transportation Board
395 E Street, SW
Washington DC 20423

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Dear Chairman Elliott:

I am writing to call on the Surface Transportation Board (STB) to take a leadership role delegated to the STB in recent federal law in improving the on-time performance (OTP) for Amtrak trains.

In 2011, Amtrak carried a record 30 million passengers, and passenger numbers in 2012 are expected to increase. However, consistent train delays caused by freight railroads cost Amtrak millions of dollars a year and threaten to turn passengers away from Amtrak.

Congress passed the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) to improve Amtrak's quality of service. Under Section 207 of PRIIA, the Federal Railroad Administration and Amtrak were directed to develop OTP standards, and PRIIA's Section 213 gave the STB the authority to investigate and enforce the OTP standards.

PRIIA gave the STB important new authorities placing it in a critical position to improve passenger rail OTP. Under Section 213, STB can begin an OTP investigation after a passenger rail operator, such as Amtrak, files a complaint with the STB. The STB can also initiate an investigation on its own. This authority arises when OTP is less than 80 percent in two consecutive quarters or when OTP falls below the service quality minimum standards established under Section 207 for two consecutive quarters. The STB's authority to investigate Amtrak OTP was recently affirmed in a May 2012 opinion of the U.S. District Court. The Court found the STB is the entity ultimately responsible for adjudicating and enforcing Amtrak OTP claims.

Amtrak filed a petition with the STB against Canadian National Railway Company and its subsidiaries (CN) on January 2012. The petition is the first OTP case brought to the board by Amtrak. Amtrak cites CN's obstructions and delays that resulted in substandard OTP for Amtrak passenger trains. Amtrak is requesting STB to award damages against CN and to suggest improvements CN should make to improve OTP. Although CN and Amtrak are currently engaged in mediating their dispute with the STB's assistance, STB should continue its investigations into the merits of Amtrak's claims.

I strongly encourage STB to use its authority under PRIIA to investigate and enforce the OTP standards where a railroad fails to meet the 80 percent threshold. Reliable service is vital to the continued success of Amtrak and passenger rail transportation, and it is up to STB to ensure that

OTP standards are being met. With Amtrak passenger numbers on the rise, it is now more important than ever to provide dependable train service for all passengers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dick Durbin", written in a cursive style.

Richard J. Durbin
United States Senator

Cc: Vice Chairman Francis Mulvey; Ann Begeman
