



SOUTHERN RAIL COMMISSION

240014

OFFICERS

February 2, 2016

Daniel R. Elliott III
Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

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Office of Proceedings
February 5, 2016
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Gregory B. White
Chairman

John Spain
Vice-Chairman

Knox Ross
Secretary-Treasurer

Re: STB Docket No. EP 728

Dear Mr. Elliot:

As the nation’s only congressionally created interstate rail compact, the Southern Rail Commission thanks you for the opportunity to publicly comment on the proposed policy statement on implementing intercity passenger train on-time performance and preference provisions. The Southern Rail Commission – an interstate rail compact formed during the 97th Congress by P. L. 97-213 with commissioners appointed by the governors of Alabama, Louisiana, and Mississippi –works across state lines in the South to promote the safe, reliable and efficient movement of people and goods to enhance economic development along rail corridors, provide transportation choices, and facilitate emergency evacuation routes.

Congress, since 1973, has been clear and unambiguous that “Amtrak has preference over freight transportation in using a rail line, junction, or crossing” (49 U.S.C. § 24308(c)). This statute has remained unchanged and is settled in the eyes of Congress. This interpretation has also been confirmed by the U.S. Department of Justice and U.S. Department of Transportation. Preference as defined in statute will support on-time Amtrak operations while containing built-in relief to allow host railroads to seek exceptions so that the rail network should not suffer a material lessening of the quality of freight service to shippers.

“Preference” as defined by federal statute does not require additional interpretation in setting nationwide policy. However, with limited reason, the Surface Transportation Board is now looking to rewrite federal statute that has been in place for more than 40 years that makes clear that Amtrak’s trains receive preference over freight transportation at the corridor level, and all the way down to the junctions and crossings. This PPS, as proposed, would undermine Congressional intent and common practice that has been deliberated and settled for decades. As proposed, this rule would shift the full burden of proof to Amtrak, which should not be permitted.

The Southern Rail Commission recommends that this PPS be vacated. If the Board unwilling to do so, the Southern Rail Commission recommends that the PPS be amended to adhere to longstanding interpretations of preference for passenger trains at the system, corridor, junction and crossing levels.

Sincerely,

Greg White
Chairman

John Spain
Vice-Chairman

Knox Ross
Secretary-Treasurer

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