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SERVICE DATE – FEBRUARY 25, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 726

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

Docket No. EP 728

POLICY STATEMENT ON IMPLEMENTING INTERCITY PASSENGER TRAIN ON-TIME
PERFORMANCE AND PREFERENCE PROVISIONS OF 49 U.S.C. § 24308(c) AND (f)

Decided: February 24, 2016

On December 28, 2015, in Docket No. EP 726, the Board issued a notice of proposed rulemaking (NPRM) to define “on-time performance” for purposes of Section 213 of the Passenger Rail Investment and Improvement Act of 2008. The Board requested that comments on its NPRM be filed by February 8, 2016, and replies to those comments be filed by February 29, 2016.

Also on December 28, 2015, in Docket No. EP 728, the Board issued a proposed policy statement to provide guidance to the public regarding complaint proceedings under 49 U.S.C. § 24308(f) and related issues under 49 U.S.C. § 24308(c). The Board requested comment on the proposed policy statement by February 22, 2016, and replies to those comments by March 14, 2016.

On February 19, 2016, the United States Department of Transportation (DOT) and Federal Railroad Administration (collectively, Department) petitioned in both proceedings for an extension of time to file replies to comments. Noting that numerous submissions have been filed in these proceedings addressing important issues with implications for passenger rail service now and into the future, the Department asks for additional time so that DOT and other stakeholders will have a better opportunity to consider the Board’s proposals and to develop more informed and robust reply comments. As such, the Department requests that the Board extend by 30 days the reply periods for both proceedings. The Department states that the National Railroad Passenger Corporation (Amtrak) and the Association of American Railroads (AAR) do not object to the extension request.¹

¹ Amtrak has two complaints under § 24308(f) pending before the Board in Docket Nos. NOR 42134 and 42141. Those proceedings have been held in abeyance in light of the NPRM.

(continued...)

The Department's request is reasonable and will be granted. Therefore, the deadline for reply comments in Docket No. EP 726 will be extended 30 days to March 30, 2016, and the deadline for reply comments in Docket No. EP 728 will be extended 30 days to April 13, 2016.

It is ordered:

1. The Department's extension request is granted.
2. Replies to comments filed in Docket No. EP 726 are due by March 30, 2016.
3. Replies to comments filed in Docket No. EP 728 are due by April 13, 2016.
4. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

(...continued)

See Nat'l R.R. Passenger Corp.—Sec. 213 Investigation of Substandard Performance on Rail Lines of Canadian Nat'l Ry., NOR 42134, et al. (STB served Dec. 28, 2015). Additionally, the NPRM is an outgrowth of a petition filed by AAR.