



KATE BROWN
Governor

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Ex Parte 728: Policy Statement on Implementing Passenger Rail On-Time Performance and Preference Provisions of 49 U.S.C. 24308 © and (f)

Dear Ms. Brown:

As governor of the state of Oregon, I write to offer the following comments with respect to the Surface Transportation Board's (STB's) Policy Statement On Implementing Intercity Passenger Train On-Time Performance and Preference Provisions of 49 U.S.C. 24308 (c) and (f). I am concerned the Policy Statement proposed by the STB will have a negative impact on the on-time performance of passenger rail in my state.

In 1973, Congress clearly stated that as a matter of public policy Amtrak trains will be given preference over freight trains by the railroads hosting Amtrak trains. Any rail carrier believing the quality of freight transportation was being materially lessened could apply to the STB for relief, and the STB would establish the rights of the carrier and Amtrak on reasonable terms. However, the current Policy Statement issued by the Board adds a new element to the preference doctrine omitting the requirement for an exemption and effectively licensing the host railroad to determine for itself when to ignore Amtrak's right of preference.

In the absence of a call from Congress or the Federal Railroad Administration to clarify preference provisions which have been in place for more than 40 years, it is difficult to understand why the STB would proffer a Policy Statement that fundamentally weakens Amtrak's preference protections in the face of unprecedented declines in on-time performance. Oregon, as a sponsor with Washington State of a regional intercity passenger service operated by Amtrak, believes the STB should maintain and uphold a strong commitment to established public policy that provide for the following:



Ms. Cynthia T. Brown

April 11, 2016

Page 2

- Passenger trains should run reliably on-time.
- Host railroads must give passenger trains preference over freight.
- Host carriers have a responsibility to provide the facilities and operating practices to minimize delays to passenger trains.

If the STB adopts the proposed Policy Statement, Oregon believes passenger rail will suffer declines in On-Time Performance due to interference from freight operations. This will most likely be followed by a significant decline in ridership and revenue on its routes including state-supported intercity services such as the Amtrak Cascades in the Pacific Northwest.

In recent years, states have assumed a great deal of financial responsibility for passenger rail. Both Oregon and Washington have made extensive investments to facilitate passenger service. That these investments may not be realized, or will be rendered ineffective as a consequence of such changes in public policy, is of great concern.

Thank you for the opportunity to provide comment.

Sincerely,


Governor Kate Brown

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