

United States Senate
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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 express concern about the Surface Transportation Board's (STB) notice of proposed rulemaking regarding passenger rail on time performance (OTP) and the STB's policy statement regarding Amtrak preference over freight transportation. You joined me in Champaign, Illinois to hear from passengers in Illinois on the importance of efficient, on time passenger service. While there needs to be a clear process of accountability for OTP, it is important to get it right.

Passenger rail provides a vital service in this country, but delays have posed a challenge. Last year, Amtrak carried 30 million passengers, including 1.3 million in Illinois. During this period, Amtrak trains were delayed by freight trains on host railroads more than 95,000 times for a total of about 16,000 hours. Consistent train delays caused by freight railroads cost Amtrak millions of dollars a year and threaten to turn passengers away from Amtrak. In Illinois, the on-time performance of the state-funded Illini/Saluki service was only 39 percent last quarter, despite Amtrak having first asked STB years ago to conduct an investigation. This status quo simply is not acceptable.

With nearly 70 percent of miles traveled by Amtrak trains being on freight host railroads and approaching 100 percent in Illinois, following the clear intent of the law to give passenger rail preference over freight rail is imperative to improving OTP and to the sustainability of Amtrak service. Since 1973, federal law has given Amtrak intercity passenger trains preference over freight transportation in using a rail line, junction, or crossing for the sake of protecting and improving OTP and Amtrak's quality of service.

Congressional intent to reduce delays was clarified when the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) was enacted, giving the STB the authority to investigate when OTP is less than 80 percent in two consecutive quarters.

Under your proposed rule, OTP would only be measured at the endpoints of an Amtrak route instead of at all stations along that train's route. Measuring only the endpoint would ignore both

the 64 percent of passengers that travel to intermediate stations and the 90 percent of Amtrak stations that are not endpoint stations. Under the proposed endpoint language, many passengers traveling within Illinois could face terrible delays with no recourse from the STB.

Additionally, I am concerned that the STB views passenger rail's priority preference over freight when sharing track as not absolute. Individual dispatching decisions make significant difference in a train's arrival time at each station. Further, the policy statement gives even greater latitude to freight railroads than they practice today when they determine, without penalty or consequence, it is right to ignore Amtrak's right of preference.

Once again, I strongly encourage STB to consider the impact your proposed rule and policy statement will have on Amtrak's quality of service in Illinois and throughout the country. I urge you to follow federal law in which Amtrak passenger trains are given preference to provide dependable service.

Sincerely,



Richard J. Durbin
United States Senator