

Docket No. EP 728

William Terry Davis

3413 Mateo Prado NW

Albuquerque, NM 87107

Email Address: WTerryD@g.com

Policy Statement on Implementing Intercity Passenger Train On-Time Performance and Preference Provisions

Group/Affiliation:

I am writing to ask you to withdraw your proposal which flips who must prove that the quality of freight traffic is materially effected by giving priority to passenger trains.

When Amtrak was created in 1970, elected officials and the courts have held that the freight railroad s must give priority to Amtrak passenger trains. The only exception is granted when giving such priority materially lessens the quality of transportation provided to freight shippers.

To get an exception, the freight host road has the burden of proof. This is the correct and proper position. It is the freight road that has the data. They own the tracks and run the bulk of the traffic. The freight roads merely give Amtrak trains permission to run on their tracks. Forcing Amtrak to have the burden of proof would be nearly because of the difficulty of Amtrak's ability to get the information required to prove it's case.

I Am a frequent Amtrak rider, using the Southwest Chief, and often use this train to make connections in Los Angeles and Chicago.