

238520

STB Docket EP-726-0

John DeLora

P.O. Box 594

St. Clair Shores, MI 48080

313-575-6608

ENTERED
Office of Proceedings
June 2, 2015
Part of
Public Record

Background

When Amtrak was created in 1971, the Congress and the former Interstate Commerce Commission were well aware of the large number of public complaints about poor on-time performance (OTP). As a result it made clear that it expected cooperation from the host railroads in providing adequate on-time service:

Except in an emergency, intercity and commuter rail passenger transportation provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the Board orders otherwise under this subsection. *49 USC 24308 c (3) b*

and

Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance. *USC 24308 a (1)*

Unfortunately, history has shown that the railroads regard these provisions as a suggestion, not a requirement.

Freight interference with Amtrak has been a regular occurrence, alleviated only when the host carriers wanted specific legislation enacted or when faced with action by the courts. Typically, OTP is good prior to the decision in question, and for about 90 days afterwards.

As court and legislative issues have been resolved, OTP generally declines after about 90 days of very good performance. By 2008, Congress took steps to address complaints of late trains by passing the Passenger Rail Investment and Improvement Act (PRIIAA 2008) of 2008. The Association of American Railroads (AAR) sued to block provisions of the act on constitutional grounds. It is instructive to see what happened during litigation of this case. When the Federal

District Court made a ruling favorable to Amtrak, OTP immediately improved. When the D.C. Court of Appeals took the case and ruled against Amtrak, OTP plummeted. When the Supreme Court issued a March 9, 2015 ruling favorable to Amtrak on very narrow grounds, OTP sharply improved.

The freight carriers have demonstrated repeatedly that they can operate passenger trains on time when it suits them. As one quick example, any time a railroad business car is on the rear of an Amtrak train, that train will run exactly on time.

The issue- is OTP important?

Tourism is Michigan's third largest industry after manufacturing and agriculture and a major factor in Michigan's economy, with well over 3 million out-of-state visitors last year. Michigan's three Amtrak routes accounted for 777,463 riders last year. The state has been engaged for years in a long term effort to increase train speeds, improve ride quality and improve safety by installing Incremental Train Control System, a form of Positive Train Control. In addition, the state is a partner with other states in acquiring a new generation (NEXGEN) of equipment with deliveries expected to begin next year. With the State and Amtrak owning 235 miles of a roughly 300 mile corridor, OTP problems between Porter, IN- Chicago Union Station and Dearborn-Pontiac deeply affect ridership grown for the entire route. As these improvements have come on line, ridership has responded positively. Most local communities do not have scheduled air service, leaving Amtrak service as the one option helping to keep their communities commercially viable.

Examples:

- The City of Troy opened the \$6.4 million Troy Transit Center last year after vociferous opposition. Note that the then-mayor opposed the center, and was recalled by voters specifically because of her opposition.
- The City of Dearborn recently opened a new \$28.2 million transit center. The former station, which was decried as too big at its opening, was overwhelmed by growing ridership, with many patrons having to wait outdoors because there was not even standing room in the station. The new station will have a gate allowing passengers to directly enter Greenfield Village, one of the nation's premier tourist attractions. The new gate will become functional after a second track is installed, which is in progress.
- The City of Ann Arbor likewise has a severe crowding and parking problem and is currently exploring options for a new station.
- East Lansing, home to Michigan State University, is in the midst of building a new \$6.8 million intermodal station. This too, is the result of overcrowding at the old station.
- Grand Rapids has opened a new \$5.7 million multimodal station which increases capacity and allows for growth to Michigan's second largest city.

- Port Huron is also in the early stages of planning a new station because like the other stations, it is suffering from severe overcrowding.
- Battle Creek expanded its 1970's era station at a cost of \$3.6 million because, yes, it was getting overcrowded.

All of these cities recognize the importance of passenger service to their communities, and are putting their money down as proof of their commitment. Studies performed in the early 1980's and confirmed by a Grand Valley University study found that approximately 30% of riders on Amtrak lines in Michigan connected to/from other trains, highlighting the importance of reliable schedules.

Amtrak's OTP and ridership records will bear out that ridership trends follow OTP trends by about 60-90 days. It would be an instructive exercise if the STB were to compare the two on the same graph, noting the delayed ridership response to OTP.

Finally, there is the human factor. How many families have missed important events such as weddings, funerals and vacations due to missed connections caused by trains running late due to freight interference?

Is it an undue burden on the host carriers?

It is difficult to see how this could be the case. After all, the railroads have negotiated with Amtrak and have agreed to these schedules. Asking them to uphold their agreements does not seem to be an undue burden.

What standard provides acceptable OTP?

A ten-minute variance from schedule seems reasonable. From personal observation, when a train begins running 15 minutes late, passengers start worrying about connections, being met at the stations, etc. Therefore, all trains should be required to be no more than ten minutes late at all intermediate and end-point stations.

Finally, there is the issue of passenger trains operating over more than one railroad. To use a real-life example, the *Blue Water*, a Port Huron-Chicago train operates Port Huron to Battle Creek on Canadian National, from whence it operates over State of Michigan and Amtrak-owned tracks to Porter, IN where it operates over Norfolk Southern into Chicago. The initial host railroad should be responsible for on-time delivery of the train to the handover point. When the initial carrier delivers a train late, the receiving railroad should not be held accountable for delays on its segment.

Note: The author was a member of the Michigan Railroad Advisory Council 1974- 1981, and was the manager of the Michigan Passenger Service Aide program under contract with MI-DOT

for five years. He has testified as a passenger train expert before the state legislature, both houses of Congress the Canadian Parliament's House of Commons and Senate, as well as numerous regulatory committees, agencies and boards. He rides Amtrak roughly 10,000 miles per year.