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The Honorable Daniel R. Elliott, III, Chairman
Surface Transportation Board
Attn: Docket EP-728
395 E St. SW
Washington, DC 20423-0001

Re: 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)

Dear Chairman Elliot:

I am writing today on behalf of the City of Norfolk to provide comments to the above-referenced Surface Transportation Board (STB) 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).

The Hampton Roads region is home to 1.7 million people and the City of Norfolk is one of two host cities in our Region with originating and terminating Amtrak Regional services. These trains are extensions of the Northeast Corridor trains with terminal destinations as far away as New York City and Boston.

Norfolk's understanding of the proposed interpretation of the STB's Policy Statement is that it would reduce an Amtrak train's right to preference over freight trains. The passengers from our city and region have relied on the reliability of intercity passenger train service. This reliability is dependent on Amtrak's ability to take priority over freight trains. Congress provided a statutory right to preference of Amtrak trains over freight trains to continue to safeguard the viability of intercity passenger rail service as an integral part of our nation's ground transportation system of highways and connecting railway intercity passenger services. This viability is important to our region by promoting quality of life issues, economic vitality, and national defense priorities. In addition Hampton Roads is a large tourist attraction, hosts the Navy's Atlantic Fleet and several other military installations.

As you are aware, PRIIA Section 209 shifted all legacy Amtrak services to a state subsidy status. The Commonwealth of Virginia, is the Section 209 funding entity for our Amtrak service. Virginia has continued service and grown frequencies under Section 209 status and under the operating umbrella of Amtrak. Virginia has invested hundreds of millions of state dollars in the development and enhancement of the reliability of its state supported Amtrak Regional trains. Amtrak service to Norfolk was introduced in 2012 and additional frequencies are planned within the next three years. All state funded capacity improvements to provide new or enhanced Amtrak service to Hampton Roads have been made to freight railroads. The capacity was modeled at a 95 percent on time performance with a baseline of preference over all freight trains. Both Norfolk and Newport News have funded new train stations in addition to the state investments. These state funded intercity passenger trains serving our Region are Amtrak branded,

Amtrak operated and protected under PRIIA Section 213's preference investigations. PRIIA 213 was intended by Congress to further enhance the right of preference, not weaken it.

By proposing to modify this preference in the referenced proposed Policy Statement, we feel that the STB is substituting its own judgment for that of Congressional actions. We believe that the success of passenger rail service is based on efficient service and minimizing total delays.

Norfolk also believes that on-time performance must be measured at all stations. Limiting review of on-time performance solely to originating and terminating times on routes provides an incomplete picture of efficiency. Such an action would mean that on-time performance would never be measured in more than 20 states serving countless cities along the routes. Analyzing delays on passenger rail routes between individual cities across the length of the route and finding ways to mitigate those delays is essential to improve the quality of passenger rail service.

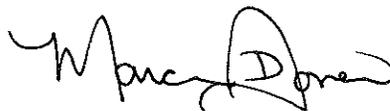
As the STB contemplates the points made in this letter, STB should also consider that currently the preference law protects freight railroads from the unlikely scenario in which preference for Amtrak trains would cause significant harm to their freight service. Freight railroads have the ability to provide proof and apply to the STB for relief from preference by demonstrating that providing preference would materially lessen the quality of freight transportation.

All Hampton Roads passenger rail service operates on a freight railroad or railroads between Washington, D.C. and Hampton Roads. At least four dispatching districts/interchanges must occur involving two to three railroads. If dispatching priority is left to the judgement of the host freight railroad, we fear that our Amtrak trains would fail and that the hundreds of millions of dollars of public investments to enhance the freight railroads would be placed in jeopardy. Without the current preference model the capacity improvements that were required for this passenger rail service to run on existing freight tracks would no longer provide the benefit of efficient/top priority state supported Amtrak intercity passenger rail operations. We believe that the Surface Transportation Board's proposed Policy Statement benefits freight railroads without considering these significant investments to increase capacity, provide less interference and to allow for the smooth operation of both passenger and freight services.

We strongly encourage the STB to withdraw its Preference Policy Statement. We ask that you allow the preference law established under PRIIA 213 to prevail and function. This course of action would allow the time needed for the system to work and provide the data needed to make future decisions, if needed. For the reasons already outlined, we also ask that on-time performance be measured at all stations not just the originating and terminating stations.

Thank you for your time and consideration to this important issue. Norfolk values its relationships with our host railroads. We feel that we have had a partnership that has provided benefits to the railroad and allowed efficient and reliable passenger service to return to our region.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcus D. Jones". The signature is fluid and cursive, with the first name "Marcus" being the most prominent part.

Marcus D. Jones
City Manager