

Docket #: EP -726

Subject: On-Time Performance under the Passenger Rail Investment and Improvement Act 239907

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As a concerned public citizen, taxpayer, constituent and regular Midwestern rail passenger (primarily business-related) I applaud the STB's position to follow past ICC precedent and guidance on the question of Amtrak's on-time performance measures. For over forty years the Class One (freight) carriers have enjoyed relief from their prior common-carrier obligation to transport passengers as well as goods. This relief provided by the RAILPAX legislation of 1970 - along with the later Staggers Act - has once again returned the industry to excellent financial, operational and systemic health. A strong rail industry is necessary to ensure the efficient flow of commerce within the United States and our neighbors to the north and south however the understanding of the initial legislation enabling NRPC (Amtrak) and subsequent ICC rulemaking intended the velocity and flow of people to necessarily take precedence over freight. It is only natural to do so, as living things have greater natural and common rights versus inanimate objects and commodities. It is also obvious which would suffer greater and more-immediate inconvenience due to undue delays.

As a regular business-traveler via Amtraks Chicago hub and terminal I have been personally impacted by delays en route on numerous routes in and out of Union Station. Many times I have sat onboard in a siding waiting on a freight movement to clear before proceeding. While often the wait is minimal on occasion the accumulated delays cause the onboard Amtrak crew to outlaw, and a significant additional delay is incurred to facilitate a recrew due to hours-of-service law and regulation. Combine host (freight) railroad under-prioritization of passenger dispatching and inclement weather conditions and Amtrak trains can reach their end-terminals hours (or days in the worst-case) late. Not only does such issues highly inconvenience passengers but likewise leads to later opportunity cost to Amtrak (as impacted passengers swear off future rail travel, plus associated negative media publicity) but also direct costs in terms of re-accommodation on later trains, provision of alternate transportation, per diem for both room and board, additional crews and equipment, etc. These avoidable costs are not borne directly by the host railroads, but by Amtrak and thereby run counter to both the enabling NRPC legislation but later legislation by Congress to mitigate operational shortfalls which require ongoing Federal and State subsidy.

With these considerations in mind it must be acknowledged that any subsequent impact to the freight carriers operations by this proposed rule will be far outweighed by the benefit to the public good in term of reduction in avoidable delays and lost productivity. To the contrary, improved intercity passenger rail timekeeping will ultimate benefit all stakeholders by encouraging growth in use of rail as an environmentally-friendly and resource-efficient means of overland transportation. A healthy rail freight and passenger network is necessary to support a growing population, alleviate highway

congestion and free up air corridors for longer-haul and international travel all important considerations for a healthy, multi-modal and redundant approach to enabling quality of life, efficient commerce and ensuring National security. In order to maintain and grow our competitiveness in our global economy America must ensure our means to safely and effectively transport both goods and people remain second to none in the free world. It is key that all stakeholders act as true partners in this regard freight carriers, carrier associations, Amtrak and its partners, passenger advocacy groups, our elected representatives, government and regulators as well as the public. This proposed rule is the glue to cement these relationships for mutual benefit of all.

Thank you.

With Sincerest Regard,

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