



**AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION**

224428

January 28, 2009

Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Chair and Members of the Board

Please accept the following as the American Public Transportation Association's (APTA) notice of intent to participate in the Board's public hearing concerning STB Ex Parte No 683, *Passenger Rail Investment and Improvement Act of 2008*, currently scheduled for February 11, 2009

APTA proposes to be represented by its vice chair for commuter and intercity rail, Mr. David Solow. In addition to serving as vice chair, Mr. Solow is the chief executive officer for the Southern California Regional Rail Authority (SCRRA) or Metrolink, which provides commuter rail service in the Los Angeles, California area

We request the Board reserve ten minutes for Mr. Solow's presentation on behalf of APTA. A written copy of Mr. Solow's testimony is enclosed.

For further information, please contact the undersigned at (202) 496-4808, the address above, or jlarsch@apta.com.

Sincerely,

James P. LaRusch
Chief Counsel and
Vice President – Corporate Affairs

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TESTIMONY OF
DAVID SOLOW, VICE CHAIR – COMMUTER AND INTERCITY RAIL
AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BEFORE THE
SURFACE TRANSPORTATION BOARD PUBLIC HEARING
ON
SURFACE TRANSPORTATION BOARD EX PARTE NO. 683
PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

February 11, 2009

SUBMITTED BY

American Public Transportation Association
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APTA is a nonprofit association of more than 1,500 public and private member organizations including transit systems and commuter rail operators; planning, design, construction and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. More than ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Introduction

My name is David Solow. I am the Chief Executive Officer for the Southern California Regional Rail Authority (SCRRA) or Metrolink, which provides commuter rail service in the Los Angeles, California area. I also serve as vice chair for commuter and intercity rail on APTA's Executive Committee, which is the association's policy board. Metrolink began service in 1992. We operate service over a 500 mile network, over 7 lines, three of which are in conjunction with two different Class 1 freight railroads. We provide service to over 44,000 passengers daily at 54 stations. On a daily basis, Metrolink dispatches 147 of its trains, 26 Amtrak Intercity trains and 50 to 70 freight trains. With the extent of our operation, we regularly deal with challenges similar to those faced by commuter rail operators in communities across the nation.

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including transit systems, planning, design, construction and finance firms, product and service providers; academic institutions, and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems.

APTA member organizations include all of the commuter rail systems which provide passenger service in communities throughout the nation. All of these systems are likely to be affected by the Board's actions in furtherance of the *Passenger Rail Investment and Improvement Act of 2008* (the Act).

In protecting Amtrak's preference over freight traffic, APTA urges the Board not to disturb existing access agreements related to commuter railroad operations or otherwise impede commuter rail access to facilities. Commuter railroads provide vital passenger services and have built their systems based on carefully negotiated access agreements. Disrupting these agreements could have devastating impacts on commuter railroads and their passengers.

In promulgating mediation practices, we believe the Board should prescribe mandatory, good faith participation with potential penalties for failure to do so. This is vital to ensuring the mediation system is viable and valuable, rather than an opportunity for delay in resolving disputes.

In providing access to Amtrak facilities under section 217, we believe the board should once again refrain from disturbing existing negotiated agreements. Whether intended to provide access to Amtrak facilities or ensure Amtrak's access to other facilities, upsetting these existing agreements would disrupt the operations of commuter railroads, Amtrak, and freight railroads alike.

Thank you for the opportunity to comment on behalf of APTA public and private member organizations.