

SURFACE TRANSPORTATION BOARD

CHARTER OF THE PASSENGER RAIL ADVISORY COMMITTEE

1. Title.

The title of this committee shall be the Passenger Rail Advisory Committee (PRAC).

2. Authority.

The Chair of the Surface Transportation Board (Board) having determined, with the concurrence of the Members of the Board, that, pursuant to the Board's passenger rail oversight responsibilities under 49 U.S.C. § 24101 and 49 U.S.C. § 1321, it is in the public interest, hereby amends the PRAC pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Chapter 10.

3. Objectives and Scope of Activities.

- a. The PRAC shall conduct a continuing dialogue to provide information, advice and guidance to the Board and an expert, balanced, multidisciplinary forum for the informal consideration and/or resolution of issues and controversies regarding the operation and development of railroad passenger services and transportation.
- b. The PRAC may, on request by its members, the Board, or the public, suggest to the Board appropriate policies or regulations to be adopted.
- c. The PRAC shall discuss passenger rail transportation issues in a manner that balances the interests of intercity and commuter rail passengers and operators, government entities, freight rail carriers and their customers, railway labor, and the general public.

4. Description of Duties.

- a. The PRAC shall consider issues impacting the development and operation of railroad passenger services, including, but not limited to, the following topics that may enter into passenger rail-related proceedings before the Board:
 - i. Improving efficiency on passenger rail routes. Topics may include construction of rail infrastructure, its costs, and barriers to development, as well as non-infrastructure options (e.g., operational modifications, enhanced coordination of schedules, fuller use of contemporary technologies for improved system performance).

- ii. Reducing disputes between passenger rail carriers and freight rail hosts regarding the use of freight rail carrier-owned facilities and infrastructure for passenger service, including passenger on-time performance issues; and
 - iii. Improving regulatory processes related to intercity passenger rail to the benefit of the public, the communities served by passenger rail, and the environment.
- b. The PRAC shall function solely as an advisory body and will comply with the provisions of FACA and its implementing regulations.

5. Agency or Official to Whom the Committee Reports.

The PRAC shall report to the Board.

6. Support.

The Board is the federal agency responsible for providing the necessary support to the PRAC.

7. Estimated Annual Operating Costs and Staff Years.

- a. Estimated annual cost to the federal government for operating the PRAC is approximately \$70,000, including the use of Board personnel totaling .35 full-time equivalents, as well as travel costs.
- b. Members of the PRAC shall serve without compensation and without reimbursement of travel expenses, unless reimbursement of such expenses is authorized in advance by the Managing Director of the Board. The Managing Director shall have the discretion to consider the financial hardship travel would impose on a particular participant, as well as the availability of funds in the Board's budget, in deciding whether to reimburse that participant for travel expenses.

8. Designated Federal Officer.

- a. A full-time Board employee, appointed in accordance with agency procedures, shall serve as the Designated Federal Officer (DFO) with duties consistent with this charter and FACA.
- b. The DFO shall approve or call all committee and subcommittee meetings; prepare and approve the agenda for all meetings in advance of the meeting; attend all committee and subcommittee meetings; adjourn any meeting when adjournment is in the public interest; and, when directed by the Chair of the Board, chair the meetings.

9. Estimated Number and Frequency of Meetings.

- a. Meetings shall be held no less than twice each year, at a time determined by the Co-Chairs of the PRAC, with the advance approval of the DFO and the Chair of the Board. Additional meetings may be called by the PRAC Co-Chairs with the approval of the DFO.
- b. Meetings shall be held virtually or in Washington, DC, unless another location is deemed appropriate by the PRAC Co-Chairs and approved by the Chair of the Board in consultation with the DFO.
- c. Meetings shall be open to the public, except that all or part of a meeting may be closed to the public as permitted by law.
- d. At all meetings of the PRAC, a majority of the membership shall be necessary and sufficient to constitute a quorum for the transaction of business.

10. Duration.

The Board anticipates that the PRAC will exist on a continuing basis.

11. Termination.

Unless renewed by appropriate action prior to its expiration, the PRAC will terminate two years from the date this charter is filed.

12. Membership and Designation.

a. Membership.

- i. The PRAC members will consist of representatives, regular government employees, and, in some circumstances, special government employees.
- ii. The PRAC shall include approximately 18 voting members, who will be appointed to serve as representative members (excluding federal governmental representatives). Among the voting members, there shall be a balanced representation of individuals knowledgeable regarding passenger rail transportation, freight rail transportation, commuter rail operations, and transportation public policy. The PRAC shall include no fewer than:
 - 1. 2 representatives from the National Railroad Passenger Corporation (Amtrak).
 - 2. 2 representatives from commuter rail operators whose operations use facilities owned and/or utilized by (i) Amtrak, (ii) other intercity passenger rail operators, or (iii) rail freight operators. For purposes of ensuring geographic diversity

within PRAC's membership, these representatives cannot be from the same State as any of the representatives described in Paragraphs 4 and 5 of this section and cannot be from the same State as each other.

3. 2 representatives from existing intercity passenger rail operators other than Amtrak or developers of new intercity passenger rail lines other than Amtrak.
 4. 1 representative from a state that provides funding for intercity passenger rail. For purposes of ensuring geographic diversity within PRAC's membership, this representative cannot be from the same State as any of the representatives described in Paragraphs 2 and 5 of this section.
 5. 1 representative from a state in which the intercity passenger rail stations are served only by long-distance trains (i.e., passenger trains serving the entirety of routes of more than 750 miles between endpoints). For purposes of ensuring geographic diversity within PRAC's membership, this representative cannot be from the same State as any of the representatives described in Paragraphs 2 and 4 of this section.
 6. 2 representatives from Class I freight railroads.
 7. 1 representative from a Class II or Class III freight railroad.
 8. 1 representative from an organized rail labor association.
 9. 2 representatives from rail passenger advocacy organizations.
 10. 1 representative from a rail shipper or customer advocacy organization or an individual shipper or customer.
 11. 3 at-large representatives with relevant experience (including, but not limited to, individuals involved in the design or construction of passenger rail equipment or infrastructure, in the provision of passenger rail analytic or consulting services, in transportation planning, or in transportation-related public policy work).
- iii. The Members of the Board shall serve as *ex officio* (non-voting) members of the PRAC.
 - iv. The Chair of the Board shall solicit nominations for the PRAC from interested parties and the general public.

- v. Members of the PRAC shall be selected by the Chair of the Board with the concurrence of a majority of the Members of the Board, from the nominees referenced in the preceding paragraph.
- vi. The voting members of the PRAC shall be invited to serve for a term of 3 years, except that of the members first appointed, approximately half shall be appointed for a term of 2 years, as designated by the Chair of the Board at the time of appointment.
- vii. Members may serve an additional term with approval from the Chair of the Board, without needing to be renominated for that additional term.
- viii. Any member of the PRAC who has served for two consecutive terms will be required to be renominated for membership and appointed by the Chair of the Board should they wish to serve for additional terms. If reappointed, they may serve two additional terms before being required to be renominated.
- ix. The Chair of the Board may invite representatives from the U.S. Department of Transportation to serve on the PRAC in advisory capacities. These representatives shall serve as *ex officio* (non-voting) members.

b. Officers.

- i. The officers of the PRAC shall consist of the two PRAC Co-Chairs, and such other officers as deemed necessary by the PRAC. One Co-Chair shall be selected from among the representatives of Amtrak, commuter rail operators, non-Amtrak intercity passenger rail operators, or state representatives (i.e., a representative from Paragraphs 1 through 5 of section 12.a.i.). The other Co-Chair shall be selected from among the representatives of the Class I and Class II or Class III freight railroads (i.e., a representative from Paragraphs 6 or 7 of section 12.a.i.).
- ii. Nominations for officers will be solicited via email prior to a meeting at which nominations are part of the agenda and will also be accepted verbally at the meeting. Officers shall be elected by a majority vote of

those members present at a meeting of the PRAC at which such election is part of the agenda. Alternatively, members may cast their votes by email in a process proposed by the Co-Chairs and approved unanimously by the members. Officers shall serve a term of three years.

- iii. If a vacancy in any of these offices occurs, notice shall be provided that the vacancy shall be filled by election at the next regular or special meeting of the PRAC, under the procedure set forth in subsection (ii) above.
- iv. The PRAC Co-Chairs shall be responsible for the management of the PRAC. In the event that a Co-Chair is unable to participate in a particular Committee activity or meeting, he or she, in consultation with the Chair of the Board, shall designate a member of the Committee that meets the requirement of subsection (i) to serve as acting Co-Chair for such meeting or activity. Such acting Co-Chair shall exercise all the duties and powers granted to the Co-Chair.

13. Subcommittees.

- a. In consultation with the DFO and the PRAC Co-Chairs, the Board may create subcommittees of the PRAC, and appoint members thereof, as may be necessary, to prepare reports for the consideration of the PRAC that pertain to important issues affecting passenger transportation as identified by its members. Subcommittees shall report back to the PRAC and shall not provide advice or work product directly to the Board.
- b. Subcommittees shall terminate when they have completed their responsibilities.
- c. The members of the subcommittees shall be selected from the PRAC membership based on their training, experience, and general qualifications.
- d. The date, time, place, and agenda of all meetings of a subcommittee shall be set by the subcommittee chair, with the approval of the DFO.
- e. A quorum of a subcommittee shall consist of a majority of its members. Action by subcommittees shall be by majority vote of those present.
- f. All reports of subcommittees presented to the PRAC for its consideration shall be made in writing and made available to all PRAC members in advance of the PRAC meeting at which the report will be considered.

14. Recordkeeping.

The records of the PRAC, formally and informally created subcommittees, or other subgroups of the PRAC shall be handled in accordance with General Records Schedule 6.2 or other approved Board records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552. A copy of all PRAC records shall be provided to the Board's Committee Management Officer.

15. Charter Filing Date.

This charter is filed November 29, 2023.

Amendment Date.

This charter is amended as filed January 30, 2025

Patrick J. Fuchs
Chair
Surface Transportation Board