Surface Transportation Board
Passenger Rail Advisory Committee (PRAC) Meeting
October 16, 2024

Meeting Minutes

STB Members:
- Chairman: Robert Primus
- Vice Chair: Karen Hedlund
- Board Member: Michelle Schultz
- Board Member: Patrick Fuchs

Designated Federal Official: Brian O'Boyle

PRAC Members in Attendance:

(Member)	*(Organization)*
- Husein Cumber	Florida East Coast
- Liliana Pereira	Steer
- Robert Padgette	Capitol Corridor Joint Powers Authority
- Joe Black	WSP
- Christopher Perry	Amtrak
- Jim Blair	Amtrak
- Andy Daly	CSX
- Gregg Baxter	Herzog Enterprises
- Patty Long	Railway Supply Institute
- Jim Derwinski	METRA
- John Robert Smith	Transportation 4 America
- Carl Warren	North Carolina Railroad Co.
- Jonathan Lamb	Lake Superior Warehousing Co.
- Lori Winfree	North County Transit District
- Mike McClellan	Norfolk Southern
- Roger Millar	Washington DOT
- Jim Mathews	Rail Passengers Association
- Ida Posner *(in place of Henry Posner)*	Iowa Interstate Railroad/Railroad Dev. Corp.
- Aaron Edelman	Mooney, Green, Saindon, Murphy & Welch
- Paul Nissenbaum *(ex officio)*	Federal Railroad Administration

Not Present:

(Member)	*(Organization)*

- Shoshana Lew — Colorado DOT
- Greg Regan — AFL-CIO, Transportation Trade Dept.

10:00 a.m.
The DFO (Brian O'Boyle) called the meeting to order. Mr. O'Boyle explained the agenda for the meeting.

10:05 a.m.
Opening Remarks by Chairman Primus, Vice Chairman Hedlund, Board Member Schultz, and Board Member Fuchs.

10:10 a.m.
Introductions.

Members of the PRAC introduced themselves. The DFO (Brian O'Boyle) asked each member to discuss his/her background in passenger rail and their company's or organization's connection to passenger rail. Per the agenda, several members also discussed their goals for the PRAC. The five PRAC members that were nominated to serve as co-chairs (Husein Cumber, Jim Blair, Jim Derwinski, and Roger Millar) were asked to wait to give their introductions.

Key points made during introductions:
- Several members expressed an eagerness to collaborate and look for ways to better collaborate, with one member stating that the committee would provide an opportunity to talk through issues that have been ongoing for 50 years. One member noted there has never been a group of passenger rail stakeholders this diverse. Several members expressed the idea that there needs to be a better way to develop passenger rail, noting how long it can take for projects to be approved and completed. Other members noted that the focus on the need for freight service should not be overlooked. It was noted that it is important to look at situations where separation between passenger and freight rail makes sense and to protect the reliability of both the passenger and freight systems.

11:00 am
Presentation by Chris Oehrle, STB Office of General Counsel:
Ethics, FACA, and Ex Parte Communication Requirements
(PowerPoint presentation available on PRAC website)

11:15 am
Election of co-chairs.

The DFO (Brian O'Boyle) stated that five PRAC members were nominated to serve as co-chairs prior to the meeting. The five members introduced themselves.

In accordance with the charter, the DFO (Brian O'Boyle) asked if there were any additional PRAC members that wished to nominate themselves or someone else. There were no further nominations.

11:45 a.m.
The DFO (Brian O'Boyle) noted that there was a procedural issue that needed to be resolved before voting. Under the charter, only "[PRAC] members present" at the meeting could vote.

- Motion: Patty Long made a motion to allow Ida Posner, who was present in the absence of member, Henry Posner, to vote. The motion was seconded. The motion was unanimously adopted by voice vote.

Henry Posner was elected to serve as co-chair from among the freight rail members and Jim Derwinski was elected to serve as co-chair from among the passenger rail members. Pursuant to the charter, the Co-chairs will serve a term of three years.

1:35 p.m.
Presentation by Ryan Lee, Deputy Director, Office of Passenger Rail:
Overview of the STB's Office of Passenger Rail

Q&A

- Joe Black asked whether OPR has staff with a deep background of rail operations. Mr. Lee described his team's significant rail operations experience. He also noted OPR projects are also done in collaboration with other offices, who have their own experts in rail operations. Chairman Primus also stated that adding additional staff with the right experience is a key priority of his.

- Robert Padgette asked about the timeline for conducting Amtrak on-time performance investigations. Mr. Lee responded that there have only been three investigations brought to the agency and only one that has significantly progressed. However, because that investigation is an active proceeding, he could not comment further.

1:50 p.m.
Creation of other officer positions.

The DFO (Brian O'Boyle) stated that the PRAC charter allowed for PRAC to adopt other officer positions "as deemed necessary." Mr. O'Boyle noted that the Board's other advisory committees have a secretary.

The committee discussed whether a secretary position should be created. The committee agreed that a secretary position should be created, and it decided to wait and elect the secretary at the next meeting.

The committee then discussed the need for a vice co-chair. It was decided that since the charter already established a process for who shall fill in when the co-chair cannot be present, it was likely not necessary to create vice co-chair positions but it could revisit this topic at the next meeting. It was also suggested that the need for the creation of subcommittees could be revisited at future meetings.

2:15 p.m.
PRAC Bylaws.

The DFO (Brian O'Boyle) stated that the committee needed to consider the policy for when PRAC members could not attend meetings, specifically, if the committee wanted to allow PRAC members to send individuals who could attend in their place. Mr. O'Boyle noted that sending designees was the policy used by the other advisory committees. Mr. O'Boyle also stated that if designees would be permitted, the committee would need to decide if the designees would be permitted to vote.

The committee discussed the policy for members that cannot attend, and whether virtual participation is possible. Chairman Primus commented while it is understood that sometimes conflicts will arise, there is an expectation that PRAC members will make a serious commitment to attend meetings in-person. He discussed the value of the committee is the face-to-face interaction at meetings.

A question was raised about when the terms of PRAC members began. Current member's terms began on the date of appointment, which was March 2024.

- Motion: Joe Black made a motion for the PRAC to hold three meetings in 2025. The motion was seconded. The motion was unanimously adopted by voice vote.

The committee discussed the ideas around meeting attendance, allowing a designee in the event of an absence, proxies for absent members, virtual meetings.

- Motion: Lori Winfree made a motion that:
  - PRAC members must attend in person or not at all;
  - PRAC members could have no designee;
  - No proxy voting would be permitted at the PRAC; and
  - There would be no virtual meetings for the PRAC.

  The motion was seconded. The motion was adopted by voice vote, with three members voting no. (Ida Posner abstained.)

3:00 p.m.

Group Discussion.

Co-chair Derwinski stated that to develop a list of potential agenda items for future meetings, each member would have two minutes to state what issues they wanted the committee to explore further. The issues identified by each member were as follows:

- Aaron Edelman (who consulted with Greg Regan):
  1. High speed rail. Highlight the MOUs between labor organizations and Brightline, which had successful labor provisions.
  2. Supporting Amtrak and improving on-time performance, and consider how Precision Scheduled Railroading is affecting Amtrak.
  3. Making sure traditional railroad work is done by railroad employees who are covered by the Railway Labor Act, the Railroad Retirement Act, and the Railroad Unemployment Insurance Act.

- Ida Posner:
  1. Liability: It is very costly and difficult for freight railroads to obtain insurance for hosting passenger rail.
  2. Protecting rail assets from disappearing. Once the assets are gone, they never come back.

- Jim Mathews:
  1. Liability: Very urgent
  2. Paths to innovate delivery of long-delayed products. U.S. must speed project delivery, especially when the public supports the project.
  3. Supporting the industrial base for passenger rail in the U.S., to include innovative procurements and a national equipment pool.
  4. Consider the interrelationship between Amtrak, Class I carriers, and private operators. How can the U.S. expand passenger rail without being detrimental to the freights?

- Roger Millar:
  1. Break the cycle on on-time performance. Can we get the people who point fingers at each other to get together and solve the problem.
  2. Is technology being used appropriately? Are there ways that technology could be used to expand services without having to build more capacity?

- Mike McClellan:
  1. Level set: How are the railroads performing now?
  2. What has worked over the past 15 years?
  3. FRA: Corridor ID program
  4. Modal and technology equity
  5. Jurisdictional consolidation of passenger disputes

- Lori Winfree:
  1. Explore shared use of infrastructure and how to collaborate better.
  2. Liability: Lowering the liability cap on operators and making it so that obtaining insurance is cost-effective.

3. Consider land use of adjacent property and how it impacts expansion of passenger rail service.

- Carl Warren:
  1. Explore what has worked in the past.
  2. Explore capacity planning best practices.

- Jon Lamb:
  1. Consider how to expand passenger rail while still balancing the need for freight rail.
  2. Where are there opportunities for mutual benefit to freight and passenger rail?
  3. How can we expedite projects?

- John Robert Smith:
  1. How to turn around the shrinking of Amtrak service.
  2. Amtrak preference needs to be enforced.
  3. Nurturing industry to produce passenger rail equipment.
  4. Liability.
  5. End the annual appropriations battle. Explore dedicated, predictable funding for passenger rail, perhaps formula funds.
  6. Healthy competition for Amtrak. What is preventing it (besides right of access and liability)?
  7. What resources does STB and FRA need?

- Patty Long:
  1. Reforms are needed for a healthy rail supply industry in the U.S., as well as strong "Buy America" provisions.
  2. Explore how to nurture small railway suppliers.

- Gregg Baxter:
  1. Liability and insurance. But particularly indemnification, so freight rail carriers would be less hesitant to host passenger service.
  2. Equipment: There is no national equipment pool other than Amtrak.
  3. Create a stronger complaint resolution process between passenger rail operators and freight railroads.
  4. Develop a framework for commercially negotiated agreements. Agreements can be complex and cover a wide variety of topics.
  5. Surface Transportation Reauthorization legislation in 2025.

- Andy Daly:
  1. Increasing safety.
  2. Explore the impact of passenger rail on freight business.
  3. Liability.
  4. Consider appropriate compensation for passenger and commuter operators' use of freight rail line.

- Jim Blair:

1. Increasing safety. What are infrastructure improvements that can simultaneously increase safety and capacity?
2. Consider places where small-scale startups can happen. These can serve as proofs of concept.
3. Identify non-passenger rail issues that have passenger rail impacts.
4. Identify opportunities for separation of freight and passenger. Focus on where we can convert unused freight assets into passenger rail assets.

- Chris Perry:
  1. Expanding service to underserved communities.
  2. Improving on-time performance.
  3. Consider how to make best use of shared networks and facilities.

- Joe Black.
  1. Identify capacity planning best practices.

- Robert Padgette:
  1. Better sharing of information from freight railroads for states applying for government funding.
  2. Improvements to state/Amtrak dispute resolution.
  3. How to speed up project delivery.
  4. Develop alternative to avoidable cost as rental component for use of freight lines.
  5. Increasing zero emissions.
  6. How can the STB serve as facilitator of disputes with Amtrak.

- Liliana Pereira:
  1. What does good passenger rail service look like for different groups, and how does this impact capital funding?
  2. Explore fares and funding sources.
  3. Consider the roles of communities in shaping passenger rail.
  4. How to speed up projects.

- Husein Cumber:
  1. How to speed up projects.
  2. Creating a framework for infrastructure sharing between freight and passenger.

- Paul Nissenbaum:
  1. Break down the siloed approach to passenger rail (state-supported vs. long-distance, for example) and focus on passengers.
  2. Funding operating vs. capital projects. Federal government typically funds capital projects, but operating support might be more cost-effective in some situations.

- Jim Derwinski:
  1. How can technology impact creating capacity.
  2. Having a clear message when it comes to transportation policy.

Chairman Primus commented that he believes a National Rail Plan would be a means of accomplishing Mr. Derwinski's idea of creating a clear message on transportation policy, as it would tie together many of the different issues raised by the PRAC members.

Chairman Primus thanked everyone for their attendance and participation. He noted that there would be difficult conversations ahead and that everyone on the committee would need to propose solutions.

Co-chair Derwinski stated that he and Mr. O'Boyle would be in touch soon to work out the dates for next year's meetings.

3:50 p.m.
Meeting adjourned.