



Surface Transportation Board
Washington, D.C. 20423-0001

January 12, 2024

Mr. Chuck Baker
American Short Line and Regional Railroad Assn.
50 F St. NW
Suite 500
Washington, DC 20001

Ms. KellyAnne Gallagher
Commuter Rail Coalition
P.O. Box 235
Alexandria, VA 22313

Dear Mr. Baker and Ms. Gallagher,

Thank you for your recent letter addressing potential expansion of National Railroad Passenger Corp. (“Amtrak”) operations. We appreciate hearing your concerns regarding new service on commuter agencies and shortline railroads that do not have Amtrak service today.

As you know, currently, there are no matters pending before the Board which involve the kinds of issues concerning shortlines and commuter rail agencies raised in your letter. Further, we cannot speculate about future Amtrak operations and the specific role the Board might have in regulating those operations, whether involving the specific concerns raised in your letter or involving freight railroads in general.


As you may know, the Board is hard at work in accordance with its current passenger rail authority. As you are aware, in October 2022, the Board announced the establishment of the Office of Passenger Rail (“OPR”) and that office is responsible for investigating and analyzing issues regarding Amtrak on-time performance (“OTP”). Section 213 of the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”) authorizes the Board to investigate the causes of substandard passenger rail OTP, to identify mitigating measures, and to prescribe relief. In 2020, the Federal Railroad Administration (“FRA”), in conjunction with Amtrak, promulgated a “Customer OTP” metric to measure passenger rail OTP, with a minimum standard of 80 percent of passenger arrivals at stations to occur within 15 minutes of the scheduled time for any two consecutive calendar quarters. Currently, complaints may be brought by Amtrak, an entity for which Amtrak operates intercity passenger rail service, an intercity passenger rail operator, or by a host freight railroad over which Amtrak operates.

In Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. 24308(f) – for Substandard Performance of Amtrak’s Sunset Limited Trains 1 & 2, Docket No. NOR 42175, the Board opened an investigation into the on-time performance of Amtrak’s Sunset Limited long-distance passenger train service between New Orleans and Los Angeles. The proceeding was instituted in response to a complaint and petition filed by Amtrak. The Board will continue to fulfill its obligations in this case and any other case that may be brought under PRIIA.

In addition, on November 13, 2023, the Board announced the formation of the Passenger Railroad Advisory Committee (“PRAC”) as a federal advisory committee to provide advice and recommendations to the Board on issues relating to passenger rail service. Matters on which the PRAC will advise the Board include improving efficiency on passenger rail routes; 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 improving regulatory processes related to intercity passenger rail to the benefit of the public, the communities served by passenger rail, and the environment. The PRAC will consist of 18 voting members who comprise a balanced representation of individuals knowledgeable regarding passenger rail transportation, freight rail transportation, commuter rail operations, and transportation public policy. The membership will include those who have knowledge of the matters affecting shortlines and commuter railroads. On January 4, 2024, the Board issued a notice soliciting nominations for candidates to serve on PRAC. Candidate nominations are due by February 5, 2024.

Thank you again for sharing your concerns about future Amtrak operations with the Board. We are available to meet at your convenience to discuss these issues in more detail. A copy of your letter and this reply has been placed on the Board’s website as non-docketed correspondence. If you have any questions, please contact Ms. Janie Sheng, Director of the Board’s Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,



Martin J. Oberman
Chairman



Karen J. Hedlund
Vice Chairman



Robert E. Primus
Member