



# SURFACE TRANSPORTATION BOARD

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## **SURFACE TRANSPORTATION BOARD FORMS WORKING GROUP TO PREPARE AGENCY FOR UPCOMING ON-TIME PERFORMANCE RESPONSIBILITIES**

Surface Transportation Board (STB or Board) Chairman Martin J. Oberman announced today that the STB has formed a passenger rail working group consisting of STB staff. The new working group is charged with developing plans to enhance the agency's passenger rail oversight efforts and to ensure it will fully meet its obligations to enforce new on-time performance requirements.

Pursuant to the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), the Federal Railroad Administration (FRA) recently adopted a final rule that set metrics and minimum standards for intercity passenger rail service. PRIIA provides that the STB is the agency to investigate and adjudicate issues related to the on-time performance of Amtrak's intercity passenger rail service under these new metrics and standards. The standard for on-time performance will begin to apply on July 1, 2021, with quarterly reporting on that metric from FRA to start in the months following.

Prior to the applicability of these new requirements, the working group will assist the Board in evaluating current and future agency resources required to fulfill its oversight and investigatory responsibilities for on-time performance and will make recommendations for further action needed to promote effective oversight. Among other functions, the group will explore the feasibility of creating an office at the STB focused on passenger rail issues and the creation of a passenger rail advisory committee under the Federal Advisory Committee Act.

The passenger rail working group is comprised of Board staff drawn from a variety of offices within the agency with expertise in the operational, legal, and economic issues related to passenger rail, and will be chaired by Frank O'Connor, Deputy Director of the Board's Office of Economics. The Board will continue fulfilling its ongoing passenger rail responsibilities while the working group assists the Board in preparing for the new assignments outlined above.

“To most effectively prepare the Board for its upcoming responsibilities in monitoring and enforcing Amtrak on-time performance, we need to quickly take stock of existing resources and determine which processes will most expeditiously bring disputes to a fair resolution,” said Chairman Oberman. “The formation of an internal agency passenger rail working group will

ensure the Board is ready for these duties and will give us a firm foundation upon which to proceed. In the long run, we look forward to working closely with Amtrak and the freight railroads in the nation's effort to improve its intercity passenger rail system.”

Pursuant to Section 207 of PRIIA, on November 16, 2020, FRA adopted a final rule that established a minimum standard for on-time performance of intercity passenger rail trains of 80 percent for any two consecutive calendar quarters, with on-time performance meaning the arrival of passengers at their detraining point no later than 15 minutes after their published scheduled arrival time. The final rule became effective on December 16, 2020 and the standard will begin to apply to trains starting on July 1, 2021. Section 213 of PRIIA authorizes STB to investigate a failure to meet the on-time performance standard, either on its own initiative or upon complaint by Amtrak or another eligible complainant, to determine whether and to what extent that failure is due to causes that could be reasonably addressed by a rail carrier over whose tracks the intercity passenger train operates or by Amtrak or other intercity passenger rail operators. During the course of any such investigation, STB is authorized to identify reasonable measures and make recommendations to improve train service, quality, and on-time performance. STB may also award damages and prescribe other relief should it determine that failure to meet the on-time performance standard was attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation, as required under 49 U.S.C. § 24308(c).

Formation of the passenger rail working group will ensure STB's preparedness in assessing on-time performance data to be reported by FRA and meeting the STB's responsibilities under PRIIA.

*To view and download the Passenger Rail Investment and Improvement Act of 2008, click [here](#).*

*To view and download the Federal Railroad Administration's regulation on Metrics and Minimum Standards for Intercity Passenger Rail Service, 49 CFR Part 273, click [here](#).*

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