



# Passenger Rail Investment and Improvement Act - Metrics and Standards Outlook

**APTA Legal Affairs Seminar  
February 25, 2019**

# Agenda

- Review of the 2008 PRIIA Metrics and Standards Provisions
- Litigation Update
- What to Expect Moving Forward

# Problem Statement:

## Poor On-Time Performance

- City of New Orleans On-Time Performance
  - Hosted by Canadian National
- According to Amtrak's website:
  - Host Responsible Delays – 1320 (12/2017-11/2018)
  - Freight Train Interference - #1 Cause of Delay
- Route includes a large portion of single track

# Passenger Rail Investment and Improvement Act – Section 207

- Section 207: Authorizes Amtrak and FRA to Develop Metrics and Standards for Amtrak:
  - Financial Management
  - On-Time Performance and Train Delays\*
  - Quality of Equipment
  - Satisfaction of Customers
  - Public Benefits
- Failure to Meet On-Time Performance/Train Delays Metrics and Standards Triggers an Investigation

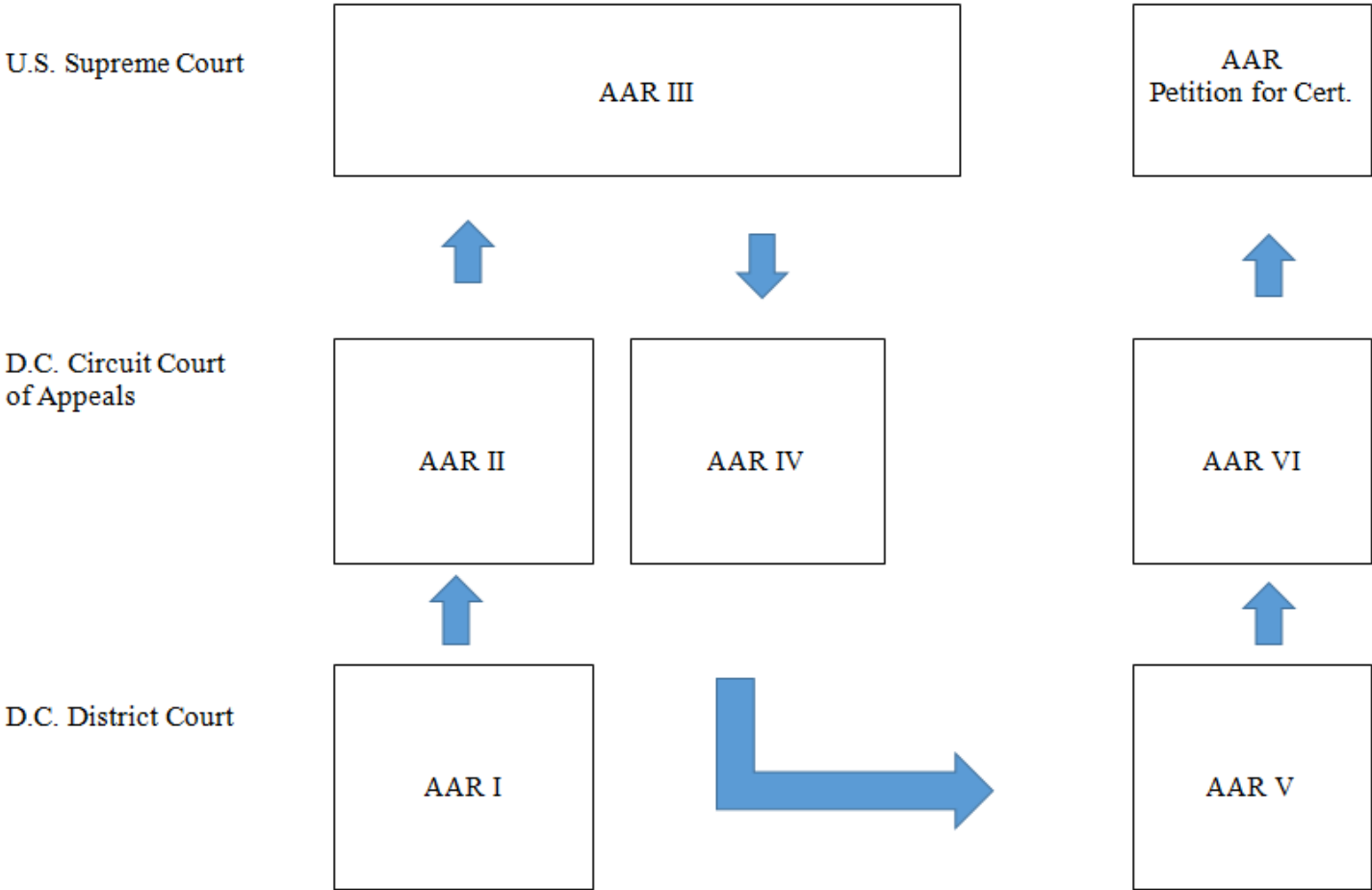
# Passenger Rail Investment and Improvement Act – Section 213

If the OTP “averages less than 80 percent for any 2 consecutive calendar quarters,

or the service quality of intercity passenger train operations for which minimum standards are established under section 207 of PRIIA fails to meet those standards for 2 consecutive calendar quarters,”

the STB “may initiate an investigation, or upon the filing of a complaint by Amtrak, ... the Board shall initiate such an investigation...”

# Section 207's Journey Through the DC Circuit



# Section 207

- (a) The FRA and Amtrak “shall jointly”, in consultation with STB, host railroads and other stakeholders “develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including ... on-time performance and minutes of delay.”
- (d) Arbitration. If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party [FRA or Amtrak] involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

# What May We See in a New FRA Metrics and Standards Rulemaking

- Statute requires measures of on-time performance and measures of train delay.
- FRA will define the measurement criteria.
- Prior rulemaking measured:
  - On-Time Performance
    - End Point OTP, All Stations OTP
    - Change in Effective Speed
  - Train Delay
    - Minutes per 10,000 Train Miles



# Potential Host Freight RR Arguments

- Host Freight Railroad Comments Will Likely Mirror Arguments from Prior Metrics and Standards Rulemaking

Metric – Minutes per 10,000 Train Miles	Original Proposal	Final Metrics & Standards
Permissible Amtrak-Responsible Delays	250	325
Permissible Host-Responsible Delays	700	900

# Potential Host Freight RR Arguments

- Train Delays – measured against pure run time
  - Railroads argue for delays to be measured against public schedules because that is what the public sees.
  - FRA – Reporting all train delays will give all parties an opportunity to identify areas of frequent delays on routes to improve route reliability.

# Potential Host Freight RR Arguments

- Effective Speed
  - Railroads argue that associated schedules are unrealistic.
  - FRA argued that effective speed prevents schedule creep.
- On-Time Arrival Tolerance
  - Original metrics and standards are insufficient for route length.

# Potential Host Freight RR Arguments

- End Point OTP:
  - Unfair because Amtrak operates across multiple railroads and end-point does not reflect delays on other lines.
- All Stations OTP:
  - Too difficult to measure.

# State Supported Routes

- Washington State DOT argued that States with state-supported services and Amtrak should develop metrics and standards in a process supported by a Federal appeals forum.
- FRA agreed, but PRIIA mandates that Amtrak and the FRA act as the lead parties in developing these performance measures.

# Thank You



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