

On Time Performance Issues and Actions

For on time performance (OTP) metrics, causes, and effects:

Amtrak Historical OTP by Train and Route

<http://www.amtrak.com/historical-on-time-performance>

Federal Railroad Administration Rail Service Metrics and Performance Reports

<https://www.fra.dot.gov/Page/P0532>

Root Causes of Amtrak Train Delays, CR 2008-076

https://www.oig.dot.gov/sites/default/files/Amtrak_Root_Causes_Final_Report_9_8_08_with_508_charts.pdf

Effects of Amtrak's Poor On Time Performance, CR-2008-047

<https://www.oig.dot.gov/library-item/30556>

September 2, 2014: Amtrak News Release “Amtrak Calls on Surface Transportation Board to Investigate Canadian National Railway”

<http://www.amtrak.com/ccurl/306/662/Amtrak-STB-Investigation-CN-ATK-14-078.pdf>

Amtrak asks the Surface Transportation Board (STB) to investigate poor OTP by Canadian National (CN) based upon the Passenger Rail Investment and Improvement Act (PRIIA) Section 213. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following: “(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—“(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train 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 the Passenger Rail Investment and Improvement Act of 2008 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board (referred to in this section as the ‘Board’) may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate such an investigation to determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over whose tracks the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operators. As part of its investigation, the Board has authority to review the accuracy of the train performance data and the extent to which scheduling and congestion contribute to delays. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

“(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier’s failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

“(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—“(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and “(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

“(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger

rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2)."

See also:

[http://www.stb.dot.gov/filings/all.nsf/6084f194b67ca1c4852567d9005751dc/44437080f73c25768525798a0078c291/\\$FILE/231709.PDF](http://www.stb.dot.gov/filings/all.nsf/6084f194b67ca1c4852567d9005751dc/44437080f73c25768525798a0078c291/$FILE/231709.PDF)

Canadian National has filed a request to dismiss Amtrak's petition. Note that while Amtrak filed under S213 of PRIIA, the performance metrics are based upon S207. An STB decision is not likely before SCOTUS rules on the constitutionality of how the S207 metrics were developed.

Surface Transportation Board correspondence with Norfolk Southern Railway on Amtrak OTP

October 6, 2014: STB expresses concern over poor OTP of *Capitol Limited* and *Lakeshore Limited* and requests Norfolk Southern to explain why and what are they doing to improve performance.

<http://freepdfhosting.com/d7396e0653.pdf>

October 13, 2014: Norfolk Southern responds to STB.

<http://freepdfhosting.com/e8859c393e.pdf>

November 17, 2014: Amtrak requests STB to investigate Norfolk Southern Railway and CSX Transportation for causing unacceptable delays for passengers traveling between Chicago and Washington, D.C., on the Capitol Limited service.

<http://www.amtrak.com/ccurl/278/152/ATK-14-105-Amtrak-STB-Filing.pdf>

[http://www.stb.dot.gov/filings/all.nsf/ba7f93537688b8e5852573210004b318/d6fb326786d730f485257d9300634a80/\\$FILE/237055.pdf](http://www.stb.dot.gov/filings/all.nsf/ba7f93537688b8e5852573210004b318/d6fb326786d730f485257d9300634a80/$FILE/237055.pdf)

December 8, 2014: Supreme Court of the US has scheduled oral arguments in the case of (13-1080) DEPT. OF TRANSPORTATION V. ASSOCIATION OF AMERICAN RAILROADS

QUESTION PRESENTED:

Section 207(a) of the Passenger Rail Investment and Improvement Act of 2008, Pub. L. No. 110-432, Div. B, 122 Stat. 4916, requires that the Federal Railroad Administration (FRA) and Amtrak "jointly * * * develop" the metrics and standards for Amtrak's performance that will be used in part to determine whether the Surface Transportation Board (STB) will investigate a freight railroad for failing to provide the preference for Amtrak's passenger trains that is required by 49 U.S.C. 24308(c) (Supp. V 2011). In the event that the FRA and Amtrak cannot agree on the metrics and standards within 180 days, Section 207(d) of the Act provides for the STB to "appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration." 122 Stat. 4917. The question presented is whether Section 207 effects an unconstitutional delegation of legislative power to a private entity.

December 12, 2014: Audio of the oral arguments.

http://www.supremecourt.gov/oral_arguments/argument_audio.aspx

12/6/14