

Where Does The OTP Battle Stand?

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1967



1990



2011



2017



The Battle for On-Time Trains

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A Brief History

- 1970 – Congress creates Amtrak
- 1973 – Congress grants that Amtrak shall have “preference over freight transportation in using a rail line, junction or crossing, subject to the objection of a rail carrier....”
- 2008 – PRIIA creates enforcement mechanism.
- 2012 – OTP reaches 89%

Section 213

“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.... “

Section 207

- SEC. 207. METRICS AND STANDARDS. (a) IN GENERAL.—Within 180 days after the date of enactment of this Act, **the Federal Railroad Administration and Amtrak shall jointly**, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, **develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, ontime performance** and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long-distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of intercity transportation.

Section 207(d)

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party 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.

The lawsuits

1. AAR v DOT => Can Amtrak regulate railroads in Section 207?
 - Is the arbitor unconstitutional?
2. AAR v STB => Did Congress allow STB to establish on-time performance standards in Section 213?