



# Amtrak Host Railroad Group & Rail Passengers Association

June 29, 2022 – Webinar



**RAIL PASSENGERS**  
ASSOCIATION

# Agenda

## *FRA's Final Rule on Metrics and Minimum Standards*

- Schedule Certification Process
- Non-binding Dispute Resolution
- Performance versus Minimum Standard

## *FY2022 Amtrak Train Performance*

- Performance Data & Charts





## Customer OTP Metric:

The percentage of all customers who arrive at their detraining point no later than 15 minutes after their published scheduled arrival time reported by train and by route



## Minimum Standard:

80% customer OTP for any 2 consecutive calendar quarters

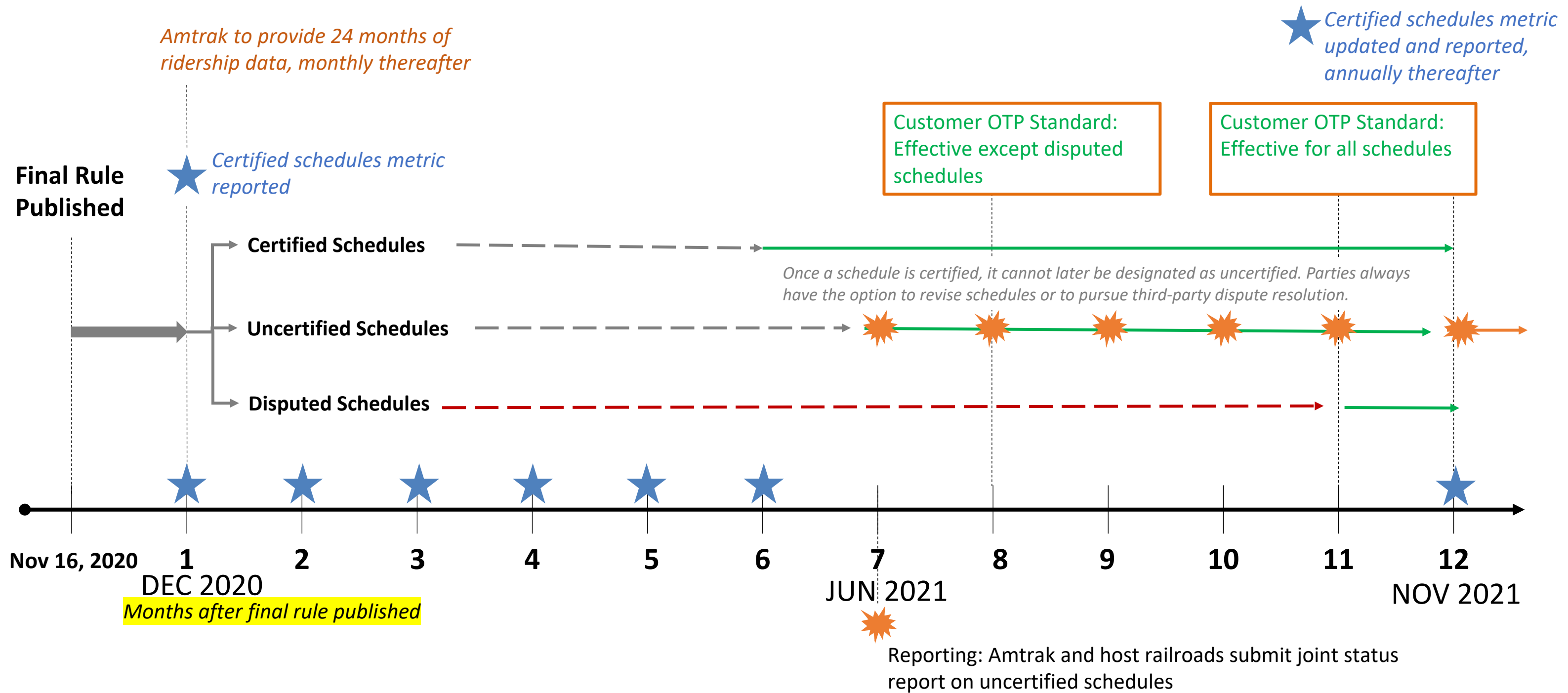


## Other New Metrics:

**Ridership Data Metric** – list of hosts with whom Amtrak has provided monthly ridership data

**Certification Schedule Metric** – list of certified, uncertified and disputed schedules by host and by train

# FRA Final Rule – Timeline


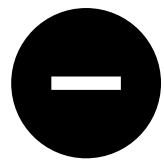



Note: Chart provided from Federal Register / Vol. 85, No. 221 / Monday, November 16, 2020 / Rules and Regulations page 72979



# FRA Final Rule – Certified Schedule Process

## Summary of Train Schedule Classifications

Schedule Classification	Definition	OTP Standard Effective Date
<b>Certified</b> 	A published train schedule that Amtrak and the host railroad jointly certify is aligned with the customer OTP metric and standard.	<b>Six</b> months following publication of the rule
<b>Uncertified</b> 	A published train schedule that has not been reported as a certified schedule or a disputed schedule.	<b>Six</b> months following publication of the rule
<b>Disputed</b> 	A published train schedule for which a specific change is sought that is the only subject of a non-binding dispute resolution process led by a neutral third-party and involving Amtrak and one or more host railroads.	<b>Nine</b> months following publication of the rule

# Certification Status by Host Railroad

## June 2022 – All Routes

Summary of Certification Status of Amtrak Schedules by Host Railroad[1]				
Host Railroad	Total	Certified	Uncertified	Disputed
Amtrak[2]	333	333	0	0
BNSF Railway	81	75	0	6
Buckingham Branch Railroad	2	2	0	0
Canadian National	28	20	0	8
Canadian Pacific	25	25	0	0
Central Florida Rail Corridor (Florida Rail)	6	6	0	0
CSX Transportation	54	54	0	0
Massachusetts Bay Transportation Authority	22	22	0	0
Massachusetts Department of Transportation	12	12	0	0
Metra	19	19	0	0
Metro-North Railroad	129	111	18	0
Michigan Department of Transportation	8	8	0	0
New England Central Railroad	4	4	0	0
New Mexico Department of Transportation	2	2	0	0
Norfolk Southern	43	22	0	21
North County Transit District (San Diego Northern)	37	37	0	0
Pan Am Railways	20	20	0	0
South Florida Regional Transportation Authority (Florida Department of Transportation)	4	4	0	0
Southern California Regional Rail Authority	44	44	0	0
Trinity Railway Express	2	2	0	0
Union Pacific Railroad	104	98	0	6
Vermont Railway	6	6	0	0
<b>Total</b>	<b>985</b>	<b>926</b>	<b>18</b>	<b>41</b>
		94%	2%	4%

[1] Switching and terminal railroads are excluded in accordance with the Final Rule.

[2] While the Final Rule states that Amtrak is not considered a host railroad for purposes of the certified schedule metric, the results of Amtrak's certification evaluation of schedules that operate over its rail lines are reported here for completeness.



# Uncertified Schedules



- For any schedule that remains uncertified as of May 17, 2021, Amtrak and the host railroad must submit a joint letter signed by their respective chief executive officers to certain federal agencies and members of Congress, which describes why the schedule has not yet been certified.
- The letter states: the Amtrak train schedule at issue; the specific components of the train schedule on which Amtrak and host railroad cannot reach agreement; Amtrak's and Host's position regarding the disagreed upon components of the train schedule; Amtrak and the host railroad's plan and expectation date to resolve the disagreements.
- Letter transmitted monthly until schedule is certified.
- **Metro-North Railroad** is only host with uncertified schedules.



# Disputed Schedules

Disputed schedules undergo non-binding dispute resolution:

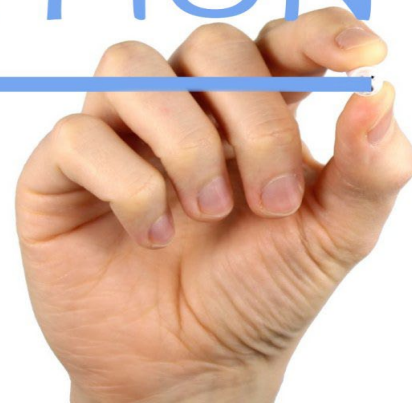
- Dispute resolution process is negotiated
- Amtrak proposed a common process for all hosts
- Hosts have individually proposed changes to Amtrak's common process

Disputed schedules became subject to the Final Rule – Metrics and Minimum Standards beginning October 1, 2021

Class I railroads with disputed schedules:

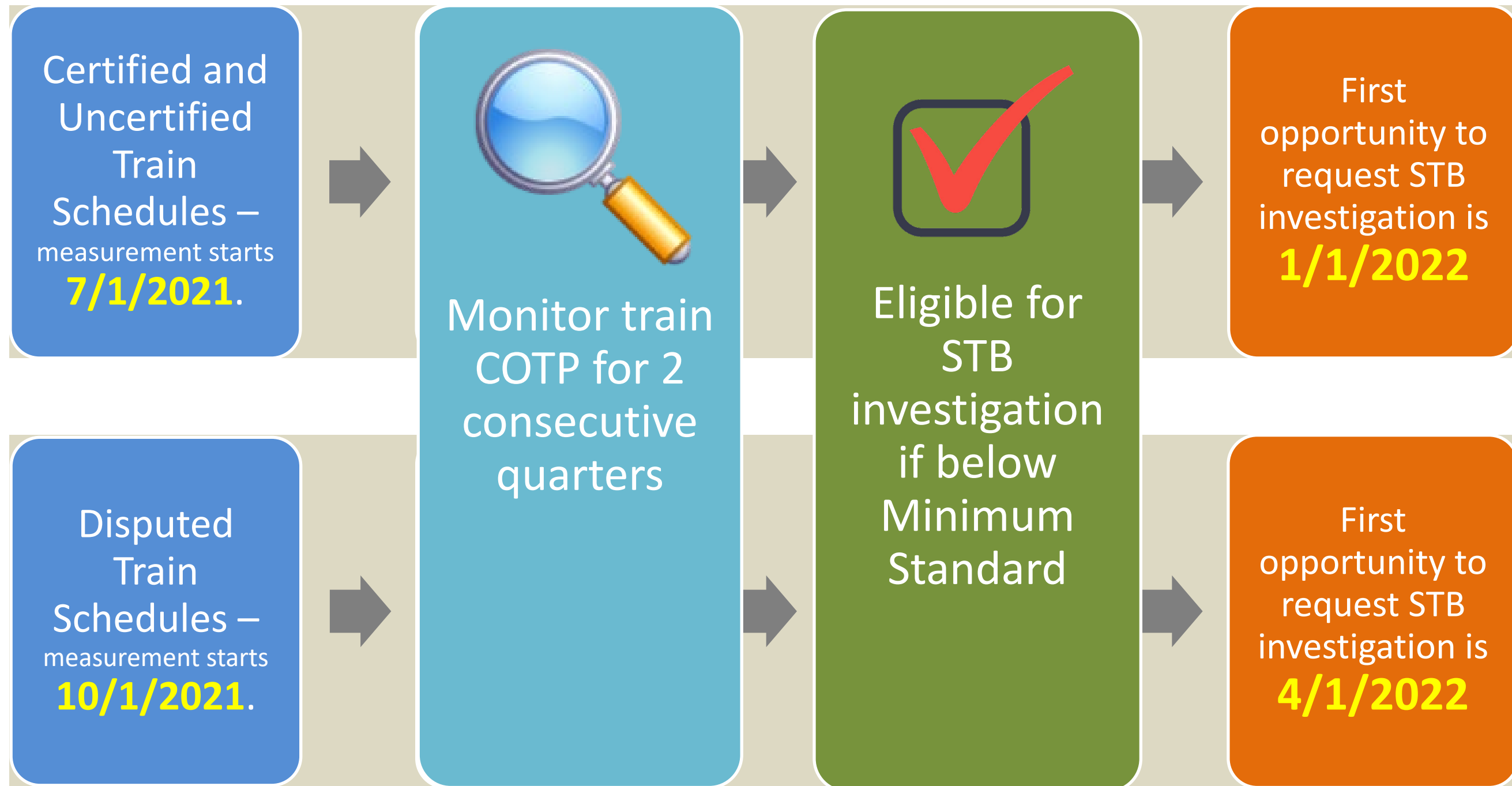
- CN, NS, BNSF, and UP

MEDIATION





# Tracking Customer OTP by Train



# Section 213 of PRIIA - Failure to Meet Minimum Standard



Complaint can be filed if the Customer OTP of any train averages less than 80 percent for any 2 consecutive quarters.



**Who can file a complaint?  
STB, Amtrak, Host Railroad  
or an entity for which  
Amtrak operates intercity  
passenger rail service  
(State or Multi-State  
Agencies).**



STB can make recommendations to improve the service, quality, and on-time performance of the train and to award damages and prescribe other relief.

**STB may initiate an investigation**



# Section 213 of PRIAA - Surface Transportation Board (STB)



- On April 15, 2021, STB formed a passenger rail working group, led by Neil Moyer, 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.
- Section 213 of PRIIA authorizes STB to investigate a failure to meet the minimum standard and to identify mitigating 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).

# Preference – It's the Law!

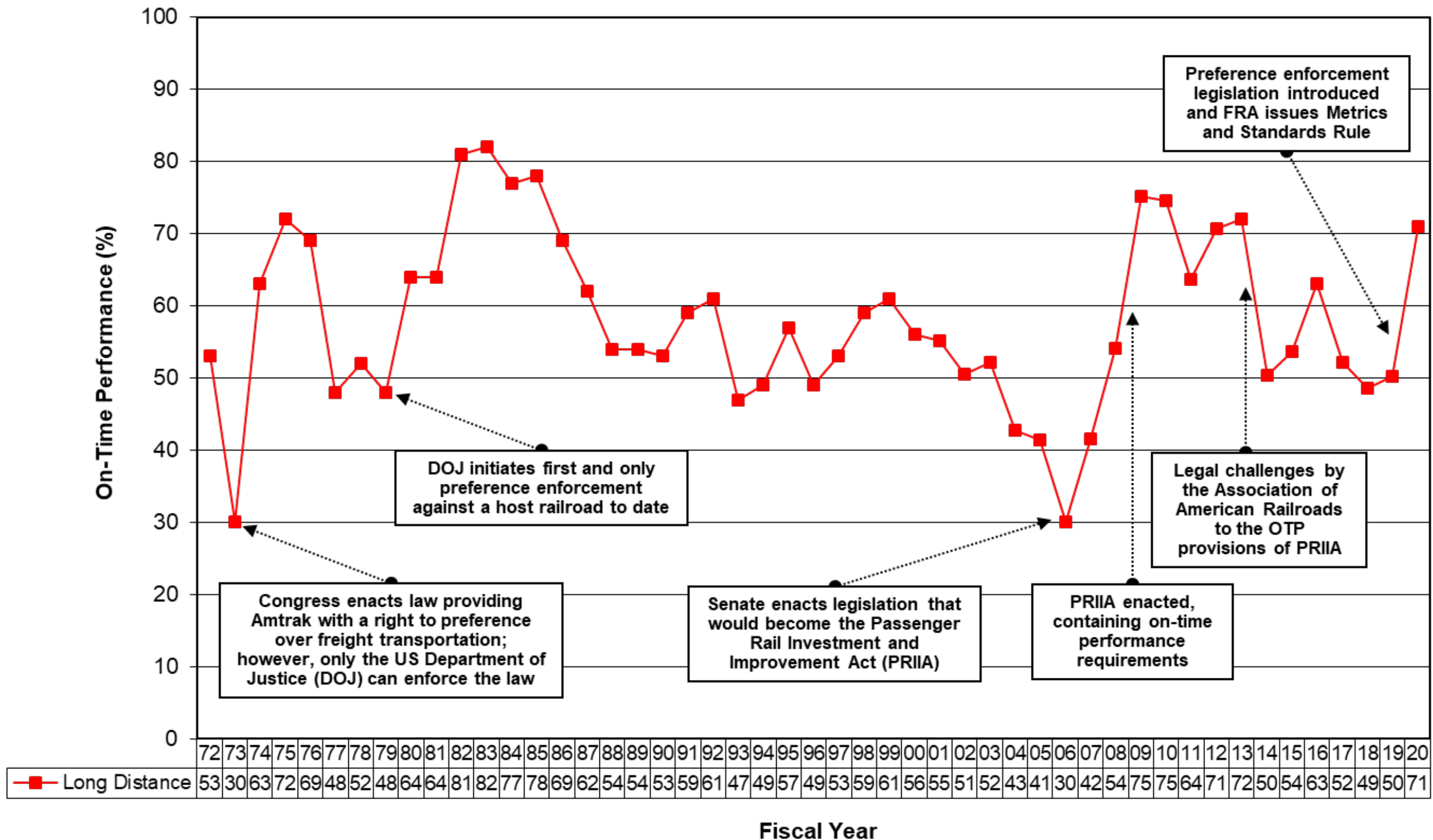
## 49 U.S. Code § 24308. Use of facilities and providing services to Amtrak (c) Preference Over Freight Transportation.—

Except in an emergency, intercity and commuter rail passenger transportation provided by or for **Amtrak has preference over freight transportation in using a rail line, junction, or crossing** unless the Board orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Board for relief. If the Board, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the Board shall establish the rights of the carrier and Amtrak on reasonable terms.

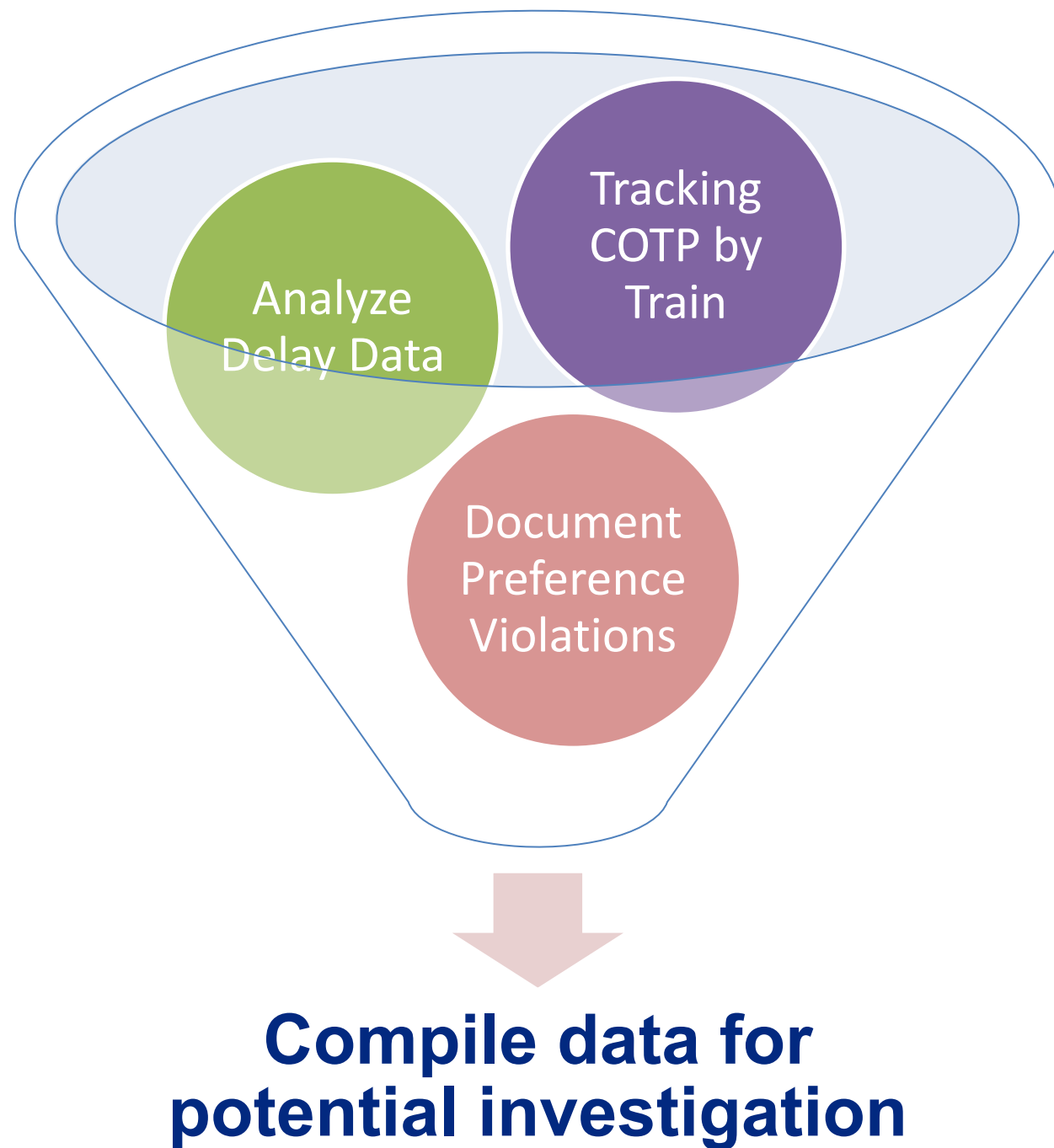


# Threat of Preference Enforcement Drives OTP

## Amtrak Long Distance Service On-Time Performance since 1972

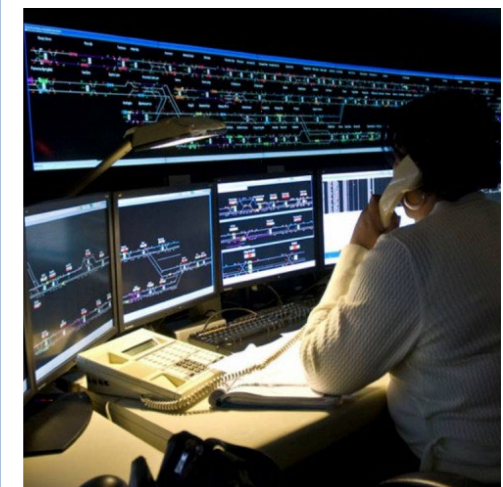


# Section 213 of Passenger Rail Improvement Act of 2008 (PRIIA)



Example of host railroad prioritizing freight trains over Amtrak:

Amtrak Train experienced 92 minutes of freight train interference (FTI) delay. Amtrak Train was delayed at milepost xxx on the host railroad subdivision, 5 miles west of the station due to a freight train stalled ahead with engine failure. Amtrak Train attempted to reverse to milepost yyy to cross over and operate the other mainline around the stalled freight, however, the host railroad dispatcher told Amtrak Train to stop and resume eastward movement behind the stalled freight train. **In this instance, there were at least two opportunities for Amtrak Train to get around the slow freight train at Control Point A and Control Point B which would have allowed the Amtrak Train to progress onto the other main and resume speed.** Once alerted to the incident, host railroad management took corrective action on the dispatcher's choices that favored freight trains over Amtrak Train.





# Performance – Long Distance Services

## Amtrak Long-Distance Services continue to experience unacceptable levels of performance with all services not meeting the 80% minimum customer OTP standard in FY22.

In fiscal year 2022 (FY22), Long Distance services continued to suffer from increasing host responsible delays (primarily freight train interference (FTI)), resulting in customer OTP levels below the 80% minimum standard. All services experienced increases in FTI delays except the Cardinal. No service met the minimum standard.

Long Distance Services	Customer OTP 10/1/21 to 12/31/21	Customer OTP 1/1/22 to 3/31/22	Meeting (Metrics and) Minimum Standard	FTI Increase Most Recent 4 Qtrs vs Prior 4 Qtrs
Auto Train	24.2%	35.9%	No	18%
California Zephyr	47.1%	40.9%	No	89%
Capitol Ltd	35.0%	27.9%	No	45%
Cardinal	58.3%	53.3%	No	-14%
City Of New Orleans	79.9%	63.9%	No	39%
Coast Starlight	54.0%	60.1%	No	46%
Crescent	56.8%	60.1%	No	58%
Empire Builder	45.6%	42.1%	No	29%
Lake Shore Ltd	59.8%	60.9%	No	12%
Palmetto	71.9%	78.9%	No	31%
Silver Meteor	42.3%	57.5%	No	15%
Silver Star	41.6%	30.3%	No	10%
Southwest Chief	44.6%	40.4%	No	48%
Sunset Ltd	40.0%	29.3%	No	23%
Texas Eagle	66.1%	62.2%	No	31%

Note: All services, whether *disputed or not*, became subject to measurement for purposes of the Minimum Standard beginning October 1, 2021.

# Performance – State Supported Routes

**Amtrak State Supported Services are still struggling, with 47% of services not meeting the 80% minimum customer OTP standard based upon two recent consecutive quarters.**

In fiscal year 2022 (FY22), 13 of the State Supported services experienced increasing FTI delays, impacting customer OTP levels. Currently, 53% (8 out of 15 services) would meet the 80% minimum customer OTP standard.

State Supported Services	Customer OTP 10/1/21 to 12/31/21	Customer OTP 1/1/22 to 3/31/22	Meeting (Metrics and) Minimum Standard	FTI Increase Most Recent 4 Qtrs vs Prior 4 Qtrs
Capitol Corridor	82.4%	84.2%	Yes	72%
Carolinian	70.6%	73.4%	No	33%
Cascades	54.5%	60.2%	No	30%
Downeaster	81.7%	82.3%	Yes	-16%
Empire	87.1%	87.6%	Yes	-15%
Heartland Flyer	80.8%	60.0%	Yes	55%
Hiawatha	95.1%	93.2%	Yes	7%
Illinois	74.9%	68.5%	No	40%
Michigan	62.7%	52.3%	No	42%
Missouri	60.1%	83.7%	Yes	21%
Pacific Surfliner	81.9%	83.5%	Yes	55%
Pennsylvanian	63.8%	73.1%	No	14%
Piedmont	73.8%	79.0%	No	14%
San Joaquins	75.0%	75.2%	No	35%
Vermont	85.1%	84.4%	Yes	Infinite (12 min vs 0)

Note: All services, whether *disputed or not*, became subject to measurement for purposes of the Minimum Standard beginning October 1, 2021. While some State Supported services did not meet the minimum standard, individual trains within those services may have exceeded the minimum standard.





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