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*Bringing Together
State Leaders from
Across the Region
to Advocate
for Passenger Rail
Improvements*

The Midwest Interstate Passenger Rail Commission is an eight-state interstate compact commission that promotes, coordinates and supports regional improvements to passenger rail service. Our member states include Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, North Dakota and Wisconsin.

June 1, 2020

To: Kristin Ferriter/Zeb Schorr, FRA (*via www.regulations.gov*)

Fr: Midwest Interstate Passenger Rail Commission (MIPRC)

Re: MIPRC Written Comments on Metrics and Minimum Standards for Intercity Passenger Rail Service Proposed Rule (Docket FRA–2019–0069)

The Midwest Interstate Passenger Rail Commission (MIPRC) is a compact among Midwestern states to promote, coordinate and support passenger rail development in our region.

MIPRC strongly agrees that having accurate and fair standards for measuring passenger rail service performance – and providing remedies when service is poor – is critical to the health and vitality of intercity passenger rail; ridership depends, in large part, on whether service is reliable.

Section 24308(c) of title 49, United States Code, gives intercity and commuter rail passenger transportation preference over freight transportation in using a rail line, junction or crossing. Since the passage of the Passenger Rail Investment and Improvement Act of 2008, federal law has set the standard for intercity passenger rail on-time performance (OTP) as averaging at least 80 percent on-time arrival over two consecutive quarters.

The train dispatching practices and operating models (like Precision Scheduled Railroading) of each host railroad have a significant effect on OTP. Many host railroads have too often ignored the law by refusing to give passenger rail the priority to which it is statutorily entitled, resulting in poor and declining OTP by Amtrak on most host railroads.

During FY 2019, nine state-supported and eight long-distance Amtrak routes served the Midwest. Of those, only the *Hiawatha* service between Chicago and Milwaukee had an on-time record of more than 80 percent during the fiscal year. Many routes had extremely poor on-time performance – in fact, three Midwestern routes were at the very bottom of the nation’s 28 state-supported routes’ OTP, with Illinois’ *Illini/Saluki* route ranking last, at 26 percent OTP. None of Amtrak’s long-distance routes nationwide had an OTP during FY 2019 over 80 percent, and only three had OTP over 50 percent.

According to Amtrak during fiscal year 2019 alone, this caused 6.5 million customers on state-supported and long-distance trains to arrive at their destination late. A 2019 report by Amtrak’s Office of Inspector General showed poor on-time performance wastes taxpayer dollars to the extent that a mere five percent improvement on all Amtrak routes would result in \$12.1 million in cost savings to Amtrak in the first year. The proposed rule would promote better compliance with this law.

Within this rule, we would particularly like to emphasize that using the Customer On-Time Performance metric, wherein the arrival of every passenger on every train by route – including and especially those who de-train along a route – seems to be an accurate and fair way to measure OTP. We also concur that providing metrics to measure the degree of customer lateness on an individual host railroad is very important.

Secondly, Amtrak and state DOTs with intercity passenger rail service also need a clear, results-oriented way to address poor OTP that is caused by the host railroad. The ability for them to bring complaints before the Surface Transportation Board and requiring the STB to initiate an investigation and “make recommendations to improve the service, quality, and on-time performance of the train and to award damages and prescribe other relief” is an important component of assuring that complaints can be resolved, and OTP improved.

Thirdly, we also agree that train schedules should be re-aligned to distribute “recovery time” added at the end of a train schedule to instead distribute that time along the train schedule, and that recovery time redistribution should not be allowed to add time to the overall train schedule (*Section IV, subsection C, #2: Train Schedule Principle: Recovery Time Redistribution, pg. 17839 of proposed rule*).

We would also like to mention that we support the proposed connectivity metric to measure connections between trains (*Sec. 273.11, Public Benefits*). This metric will give states more granular data with which to adjust schedules on state-supported routes and could help our states build more regional-scale service.

We applaud Amtrak and FRA for jointly developing the proposed rule and offer the following comments and suggestions to help strengthen the rule.

I. Strengthen proposed metric aimed at measuring transportation needs of communities and populations that are not well-served by other forms of intercity transportation. MIPRC’s main critique of the proposed rule has to do with the scope and purpose proposed as the “community access” metric (*V. Section by Section Analysis, Section 273.11, Public Benefits*). Section 207 of PRIIA required FRA and Amtrak to “develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations . . .” to measure “. . . the transportation needs of communities and populations that are not well-served by other forms of intercity transportation.” Developing metrics for measuring the transportation needs of our rural communities, typically not well-served by other forms of intercity transportation, should be a clear component of this rule.

We do not see evidence in this rule of how the proposed “community access” metric will adequately measure the transportation needs of communities and populations that aren’t currently well-served by other forms of intercity transportation.

The rule defines the term “not well-served communities” as rural communities within 25 miles of an intercity passenger rail station, and without proximity to an airport (*Section 273.3, Definitions*). The overall definition proposed as the community access metric does not appear to make any attempt to identify communities that are not well-served because they have no current access to intercity passenger rail or airports. But our primary concern is with the proposed metric: measuring community access as the “percent of Amtrak passenger trips to and from not well-served communities, updated on an annual basis.” It is not clear how this metric will measure the transportation needs of these communities. The metric also doesn’t make any attempt to parse out issues such as whether the time the train arrives at a rural station is convenient. The proposed service availability metric will measure total number of trains daily that arrive and depart between 5 a.m. and 11 p.m. per 100,000 residents, but only to the top 100 MSAs.

Please note that we contacted Amtrak officials on April 27 to confirm whether the community access metric was meant to measure the “transportation needs of communities and populations that are not well-served by other forms of intercity transportation,” and if so, how will it do so? While they confirmed that is the purpose of the community access metric, we have yet to receive an explanation of how the community access metric, as currently designed, will accomplish that.

II. Other suggestions.

There are also several relatively minor, but important, additions and clarifications MIPRC proposes that the FRA incorporate or strengthen in the proposed rules:

1. **IV. OTP, Train Schedules and STB Investigations of Performance, sections 3 and 4.** In this section of the rule, principles are proposed for temporary and long-term/permanent modifications of train schedules. Temporary modifications are defined as a period less than three months, while long-term and permanent modifications are defined as six months or more. The rule should be expanded to either include another “medium term” modification principle for modifications needed for a period between three and six months or clarify short-term to include under what conditions a modification between three and six months can be sought.
2. **IV: Regulatory Impact and Notices.** FRA sought comments on how the proposed rule could result in lower operational costs for Amtrak due to improved OTP potentially reducing labor and fuel costs. One area not covered in how better OTP could help improve operational costs is one that could perhaps be the most noteworthy: improved OTP should have a significant effect on ridership, making a huge impact on operational costs. Every additional paying rider lowers a train’s operating cost.
3. **Customer satisfaction survey (Section 273.7, Customer Service):**
 - **Suggested additional question.** MIPRC staff accessed Amtrak’s customer satisfaction survey posted on the Regulations.gov website under Docket No. FRA-2019-0069 (Supporting & Related Material). Unless there are questions in a fuller version of this survey, no question asks about the satisfaction with the train’s on-time performance. While this element may be inferred in questions about overall satisfaction with the trip, wouldn’t it be useful to know how your passengers (customers) perceive on-time performance vis-à-vis their own expectations and the published schedule? Amtrak’s customer satisfaction survey seems the obvious way to gather this data.
 - **Amtrak adjustment of overall satisfaction score.** The proposed rule explains that Amtrak removes the responses to their customer satisfaction survey for those who arrive “excessively late” to their destination, with the qualifier that “Typically, on these routes, the major causes of passenger lateness are beyond Amtrak’s control.” While the rule proposes that both the “performance adjusted and non-performance adjusted overall satisfaction scores” would be provided, this adjustment does nothing to affect the adjusted score when Amtrak is responsible for the delay, thus leaving a review of both reports to be seen as either 1. The “real” customer satisfaction score (“adjusted satisfaction score”) or 2. The “it’s not Amtrak’s fault” score (non-adjusted). Providing another score (or a replacement for the adjusted score) that includes those customer satisfaction surveys wherein excessive delays are Amtrak-related would be a more accurate report of customers’ satisfaction with Amtrak.

Thank you for developing this extremely important rule. MIPRC looks forward to hearing how the rule may be fine-tuned to strengthen some of the aspects of its metrics and measurements, and the commission stands ready to assist you in any way we can.

Sincerely,



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