



## Rail Law Alert – Amtrak Seeks to Force MBTA PRIIA Compliance

07.08.16

### **Amtrak Seeks to Invoke the STB’s Jurisdiction to Set Compensation on the Northeast Corridor**

On June 24, 2016, Amtrak filed a petition with the Surface Transportation Board (the Board) asking it to determine the appropriate compensation between the Massachusetts Bay Transit Authority (MBTA) and Amtrak for usage of facilities or services on the Northeast Corridor. The petition alleges that Section 212 of the Passenger Rail Investment and Improvement (PRIIA), Pub. L. No. 110-432 (Oct. 16, 2008) (codified at 49 U.S.C. § 24905) requires MBTA to implement new agreements with Amtrak that are consistent with the Cost Allocation Policy (Policy) promulgated by the Northeast Corridor Commission last fall. Because, according to Amtrak, MBTA has been unwilling to do so, the petition seeks to invoke the Board’s jurisdiction to “determine the appropriate compensation for such usage,” and “enforce its determination on the party or parties involved.” See 49 U.S.C. § 24905(c)(2).

Amtrak’s petition is closely related to a lawsuit filed earlier this year by the MBTA. There, MBTA alleged that Amtrak’s position on redrafting the parties’ agreements to implement the Policy not only violates MBTA’s long-standing shared use agreement with Amtrak, but that the Policy itself is void under the Administrative Procedure Act and the U.S. Constitution.

Amtrak’s action before the STB may indicate more than a challenge to MBTA’s position. Amtrak’s petition states it is currently negotiating with state commuter rail entities in Connecticut, Maryland, New Jersey, New York, and Rhode Island, and warns that it may “amend [its] petition to add additional respondents if it is unable to reach agreements with those entities by July 30, 2016.”