COMMUTER RAIL UPDATE

Association of Transportation Law Professionals
87th Annual Meeting – New Orleans, LA
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Passenger Liability Caps

- Amtrak (May 12, 2015): $295,000,000
- All Others: $294,278,983 (81 FR 1289)
- Further adjustment every five years
- Applies to Amtrak, high-speed railroad authorities and operators, commuter authorities and operators, rail carriers, States, and their officers, employees and agents.
- Unclear what effect the provision has on State sovereign immunity and/or limits on tort liability
Safety Developments

- Inward and Outward-Facing Cameras
  - NTSB Recommendation
  - FAST Act § 11411
- Minimum Train Crew Sizes
- Obstructive Sleep Apnea (OSA)
- Passenger Train Exterior Side Doors
Positive Train Control


- Speed Limit Action Plan
  - Non-PTC Certified segments requiring a reduction in speed of more than twenty miles per hour from maximum authorized speed
Sponsors of Passenger Rail Services

FRA Draft Guidance for Sponsors of Passenger Rail Services

“If you enter into a contract with a service provider to perform a safety-related function, you are ultimately responsible for the safety of that service, even if you simply provide funding for passenger rail service under the contract. All entities sponsoring passenger rail services are ultimately responsible for ensuring the safety and compliance of their services through their contracts and oversight—that is, FRA may choose to take enforcement action against the sponsor.”
Economic Matters

- Northeast Corridor Commission
- FAST Act Amendments
  - Non-Voting Commuter Carriers
  - Through-Ticketing Study
Economic Matters (Cont’d)

- Section 207 Metrics and Standards
- STB Ex Parte 726 & 728
  - On-Time Performance
  - Preference
Procurement & Project Delivery

- FTA Buy America Requirements
  - *Buy America Handbook: Conducting Pre-Award and Post-Delivery Audits for Rolling Stock Procurements*
  - Escalation of U.S. content requirements

- FAST Act: New Grant Programs
  - Consolidated Rail Infrastructure and Safety Improvements Program
  - Federal-State Partnership for State of Good Repair Program
  - Restoration and Enhancement Program
  - PTC Implementation Grants

- Proposed adoption of 23 C.F.R. part 771
New (and Draft) Guidance

- FTA Circular 4710.1, Americans With Disabilities Act
- FTA Emergency Relief Manual
- NCRPP Legal Digest No. 2: Railroad Legal Issues and Resources
- NCRPP Legal Digest No. 3: Issues that Emerge When Public Entities Acquire a Real Property Interest in Rail Lines
- FTA Proposed Circular 5010.E, Award Management Requirements
- FTA Proposed Circular 4704.1, Equal Opportunity Program Guidelines for Grant Recipients

Discussion

Many public transit agencies use contractors to operate some or all of their services under Part 37. This part obligates these agencies to ensure their contractors comply with the same Part 37 requirements that the agencies would need to follow if they were running the services themselves. As explained in Appendix A, Part 37 of Title 49 contained in the Code of Federal Regulations - 49 CFR 37.2 (a) (2012)
Thank You!

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