



Dennis J. Newman
Executive Vice President, Strategy, Planning and Accessibility

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Nathaniel Bawcombe
Branch Chief, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**Re: STB Docket No. EP 772
Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes**

Dear Mr. Bawcombe:

The National Railroad Passenger Corporation ("Amtrak") supports the Board's efforts to obtain information about how Union Pacific Railroad Company ("UP") manages the fluidity of its network and, more specifically, about its use of embargoes. UP's ability to maintain rail network reliability is essential not just to shippers and consumers, but also to Amtrak, which operates intercity and long-distance passenger trains over UP's network. This proceeding will address genuine concerns raised by a variety of stakeholders and, as the Board's notice illustrates, broader questions about UP's operations, dispatching, and efficiency. Doing so will provide important information about how well UP's operational policies and practices are aligned with the company's legal obligations to its freight customers and Amtrak.

As the Board is aware, Amtrak has separately filed a Complaint and Petition under Section 213 of the Passenger Rail Investment and Improvement Act of 2008 ("Section 213"), requesting that the Board investigate the substandard customer on-time performance of Amtrak's Sunset Limited service, which is primarily hosted by UP.¹ Although the legal issues presented in the Section 213 proceeding are distinct, Amtrak has in its Complaint and Petition presented considerable evidence about the operational challenges that it faces on UP's network. For example, in the most recent fiscal year, the average Sunset Limited train encountered more than 15 instances of freight train interference imposed by UP per trip, resulting in more than four hours of delay per trip for Amtrak passengers. The Sunset Limited has routinely failed to meet the Federal Railroad Administration's minimum standard for customer on-time performance, and unfortunately, it is not the only Amtrak service on UP operating at a level well below the standard.

¹ See Pub. L. 110-432, 122 Stat. 4848, 4925-27 (2008) (codified at 49 U.S.C. § 24308(f)); *Complaint and Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(f)—For Substandard Performance of Amtrak's Sunset Limited Trains 1 and 2*, NOR 42175 (filed Dec. 8, 2022).

Amtrak respectfully requests that the Board bear these concerns in mind as it considers the impact of UP's embargoes. In addition to the concerns raised by shippers, the Board should continue to ensure that Amtrak's statutory rights are protected, and that the performance of Amtrak trains operating on UP's network is not further diminished.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. J. Newman", with a stylized flourish at the end.

Dennis J. Newman
Executive Vice President, Strategy, Planning & Accessibility

cc: James B. Boles, Vice President—Law, Union Pacific (by e-mail)