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VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
March 2, 2023
Part of
Public Record

RE: *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*

Dear Ms. Brown:

I write on behalf of the Association of American Railroads’ (“AAR”) six Class I host freight railroads with regard to the above-captioned Sunset Limited matter initiated by Amtrak. AAR takes no position on the merits of this dispute, nor will AAR advocate in support of any party. Rather, AAR writes to underscore the importance of regulatory certainty regarding the process and procedures that will apply to all parties in these proceedings.

Our Nation’s prosperity in the increasingly competitive global marketplace relies on a best-in-the-world railroad network. Thousands of shippers and consumers rely on the freight railroads to transport goods safely and efficiently, while both freight and passenger railroads play a role in alleviating highway and airport congestion, decreasing dependence on foreign oil, reducing pollution, and enhancing mobility. These shared goals can be achieved through collaboration and cooperation. Passenger railroads that are safe, efficient, and responsive to the transportation needs of our country do not need to come at the expense of our best-in-class freight railroad network. Ensuring the fluidity of the freight railroad network is a critical component to the economic well-being of our Nation’s industrial growth and the economic prosperity of the national workforce.



When collaborative efforts have reached their useful end, the law contemplates Board involvement. In such cases, it is important for all parties involved to know with certainty how the matter will proceed and what will be required of each party. The Board provided such guidance in its previous Section 213 proceeding involving CN.¹ There, neither party was given the right to dictate the procedures that would govern that case. Rather the Board identified an efficient, well-understood, and fair procedure, which provided clarity for all parties. Abandonment of that decision here would inject unnecessary controversy and uncertainty into the process for these matters.

A safe, efficient railroad system benefits all users of the network, and the public. AAR's freight host members are committed to that effort. Thank you for your time and consideration.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'JFM'.

J. Frederick Miller Jr. (*admitted in MD*)
Counsel for the Association
of American Railroads

cc: Parties of Record

¹ *National Railroad Passenger Corporation—Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company*, NOR 42134, at 3 (STB served Jan. 3, 2013) (explaining that “[b]oth parties request that the Board issue subpoenas to initiate an investigation. The Board finds that such a step would not be productive or appropriate at this juncture. Rather, the Board believes that this case should be adjudicated using the established procedures governing complaints and the encompassing discovery and motion practice guidelines set forth in Parts 1112 and 1114 of our rules. ... provide a complete and ascertainable structure for the parties in moving forward in this type of litigation. This proceeding was begun by Amtrak, and the Board’s standard practice in complaint-type proceedings is to have the record built through party-directed discovery.”).