
BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. NOR 42175

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

**STATUS REPORT REGARDING ON-TIME PERFORMANCE OF
SUNSET LIMITED TRAINS**

Pursuant to Section 213 of the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”),¹ the National Railroad Passenger Corporation (“Amtrak”) respectfully submits this further update regarding the customer on-time performance (“COTP”) of Amtrak’s Sunset Limited Service. Recent data continues to demonstrate performance below the minimum standard on this route and highlights the urgent need for investigation by the Surface Transportation Board (the “Board”).

On December 8, 2022, Amtrak submitted a Complaint and Petition to initiate a Board investigation into the substandard COTP of Amtrak’s Sunset Limited Service, including Amtrak Trains 1 and 2 (the “Sunset Limited Trains”). In the Complaint and Petition, Amtrak alleges that the Sunset Limited Trains unambiguously meet the requirements for a mandatory Board investigation because their COTP fell well below eighty percent for two consecutive calendar quarters.² As Amtrak explained, COTP on this route has been unacceptably low for at least four consecutive calendar quarters, extending across all of Fiscal Year 2022.

¹ Pub. L. 110-432, 122 Stat. 4848-27 (2008) (codified at 49 U.S.C. § 24308(f)).

² 49 U.S.C. § 24308(f); 49 C.F.R. § 273.5.

On March 13, 2023, Amtrak filed its first status report regarding the on-time performance of Sunset Limited Trains. In that update, Amtrak presented data demonstrating that COTP remained substandard during the first quarter of Fiscal Year 2023, the quarter that concluded after Amtrak filed its Complaint and Petition. Amtrak now has data for the second quarter of Fiscal Year 2023, which underscores the need for an expeditious Board investigation and remediation of the Sunset’s continuing substandard on-time performance.³ During the second quarter of fiscal year 2023, Sunset Limited Train 1 registered 45% COTP and Sunset Limited Train 2 registered 38% COTP. These figures are still nowhere close to meeting the applicable COTP standard. Indeed, as shown below, the COTP for Sunset Limited trains remained deficient for the sixth consecutive quarter:

Fiscal Year Quarter	Train 1 COTP	Train 2 COTP
1Q22 (October-December 2021)	40%	40%
2Q22 (January-March 2022)	24%	35%
3Q22 (April-June 2022)	10%	11%
4Q22 (July-September 2022)	11%	7%
1Q23 (October-December 2022)	31%	26%
2Q23 (January-March 2023)	45%	38%

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Respectfully submitted:

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³ As stated in its procedural proposal, Amtrak is prepared to provide the Board with whatever information and data the Board would find helpful in conducting the investigation. *See generally* Amtrak’s Proposed Procedures and Framework for Board Investigative and Remedial Phases of Proceeding Under 49 U.S.C. § 24308(f) at 2.

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CERTIFICATE OF SERVICE

I, Jessica Ring Amunson, certify that copies of this document are simultaneously being provided by email to all parties identified on the service list for this proceeding, Docket Number NOR 42175.

April 18, 2023

/s/ Jessica Ring Amunson
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