

BEFORE THE SURFACE TRANSPORTATION BOARD**ENTERED**
Office of Proceedings
October 12, 2023
Part of
Public Record

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**

**RESPONSE OF CPKC TO INTERROGATORIES AND DOCUMENT REQUIREMENTS
OF APPENDIX A, PARTS II AND V**

Canadian Pacific Kansas City Limited (“CPKC”) hereby responds to Interrogatories and Document Requirements posed to CPKC and set forth in Appendix A—Parts II and V of the Board’s July 11, 2023 Decision. CPKC is responding with respect to the approximately two mile segment. of the *Sunset Limited’s* route that is owned, maintained, and dispatched by The Kansas City Southern Railway Company (“KCSR”) from E* 764.8 (on the east end of the segment, known as Tower 31) to E* 766.8 (on the west end of the segment). We refer to this segment as the “Neches River Bridge Segment” or the “Segment.”

CPKC respectfully objects to the Interrogatories and Document Requirements to the extent that they would impose any requirement beyond the scope of the responses provided herein, on grounds of relevance, overbreadth, and undue burden.

APPENDIX A, PART II DOCUMENT REQUIREMENT

1. **Uniform stations/mileposts.** Produce a list of all stations (as defined in Part I of this appendix) on the *Sunset Limited* that you hosted, owned, operated, dispatched, served, or leased. This list should identify each station with a milepost number that incorporates a prefix from the “Alpha Milepost Series Designators” table below. Any answer or document produced in this proceeding that references a location should conform to this uniform milepost standard, unless stated otherwise. In other words, if multiple parties all refer to the same milepost number, that location will be identical in its actual location. This does not apply to documents where a location is given for a generic purpose such as a training guide or standard operating procedure.

Response: The attached CPKC Station/Milepost Appendix provides a Uniform Station/Milepost list for the Neches River Bridge Segment. CPKC used the alpha designator “E*” and KCSR Mileposts for clarity and accuracy.

The Segment corresponds to the segment referenced in the Uniform Station/Milepost list produced by Union Pacific Railroad Company (“UP”) between MP E 277.08 and MP E 278.85.¹

APPENDIX A, PART V INTERROGATORIES AND DOCUMENT REQUIREMENTS

Delay causes and treatments.

1. **Sharing arrangements.** Regarding each segment of the Line in which your company shares ownership, operation, dispatching, maintenance, and/or other responsibilities with one or more other railroads, provide a detailed explanation of the division of responsibilities among the carriers during the relevant period.

Response: The Neches River Bridge Segment connects at each end to trackage owned, operated, maintained, and dispatched by UP. KCSR granted trackage rights over the

¹ This Segment is also reflected on Track Charts produced in discovery by UP in this proceeding. See, e.g., UP-SL-0006310_C to 0006312_C (Lafayette Subdivision map of Beaumont, TX and track chart showing route across Neches River Bridge); UP-SL-0004149_C (Beaumont Subdivision map of Beaumont, TX showing trackage between Amtrak station in Beaumont and east side of Neches River Bridge).

Segment to the Southern Pacific Transportation Company (“SP”) in 1965 when SP abandoned its own bridge across the Neches River at Beaumont, TX. Those rights passed to UP following its merger with SP. BNSF Railway Company (“BNSF”) obtained the right to operate over the Segment in 1996 by virtue of the Board’s grant of terminal trackage rights in the UP/SP merger proceeding. The National Railroad Passenger Corporation (“Amtrak”) operates over the Segment using the rights granted to UP by KCSR, pursuant to an agreement between Amtrak and UP to which CPKC and KCSR are not parties.

KCSR is the sole owner of the Segment trackage and is responsible for dispatching and maintenance.²

Scheduling.

2. **Scheduling and Amtrak.** When scheduling freight trains, and passenger trains as applicable, what steps are taken to avoid conflicts with the *Sunset Limited*?

Response: CPKC’s operating plan takes into account that its freight trains will not be dispatched across the Neches River Bridge Segment in a manner that would interfere with the movement of the *Sunset Limited*. As noted in response to Interrogatory No. 12 below, KCSR dispatchers clear a path for the *Sunset Limited* by not dispatching freight trains (KCSR’s or those of other carriers) over the Segment if the dispatcher anticipates that the freight train would be stopped, delayed, or in the foul on the Segment when the *Sunset Limited* would arrive.

Accordingly, KCSR dispatchers hold southbound CPKC freight trains short of the Segment used by the *Sunset Limited* so as to avoid conflicts. For northbound CPKC freight trains heading towards the Neches River Bridge, the arrival of those trains at the west end of the

² UP’s maintenance limits on the west end of the Segment may extend for a very short distance into KCSR-owned Segment trackage. Also, as noted below, the westbound signal at MP E* 766.8 is joint with UP.

Segment is affected by UP's dispatching for approximately 120 miles between Rosenberg, TX and Beaumont, TX. KCSR dispatchers responsible for the Segment would hold the KCSR northbound trains short of the Segment to avoid conflicts with the *Sunset Limited* unless moving the CPKC train was the best way to minimize the potential for such a conflict.

3. **Unscheduled trains.** Describe your protocols for introducing unscheduled trains onto your rail system.

Response: Unscheduled trains are treated in the same manner as scheduled trains. KCSR dispatchers give the *Sunset Limited* first priority over the Segment and will clear a path by not dispatching freight trains over it if the KCSR dispatcher anticipates that the freight train would be stopped, delayed, or in the foul on the Segment when the *Sunset Limited* arrives.

Congestion.

4. **Maps.** Produce a clear, detailed map or set of maps of the portion(s) of the *Sunset Limited* that you host, own, operate, dispatch, serve, or lease. You must produce a map in a static format such as a PDF, but also, if available produce a computer-readable version in a format such as a .kml, .kmz, or ESRI shapefile file type. These map(s) should identify:
- a) Mileposts (following the Uniform Milepost Numbers described in Part II of this appendix).
 - b) Subdivision.
 - c) Control points, such as stations (as listed in Appendix A of Amtrak's Complaint), and non-passenger skeleton "stations."
 - d) Where your hosting, ownership, operating, dispatching, servicing, or leasing of the *Sunset Limited* begins and ends.
 - e) Single-track territory with mileage identified.
 - f) Double-track territory with mileage identified.
 - g) Passing sidings on single-track territory:
 - 1. Under or equal to 10,000 feet in length, with mileposts identified.
 - 2. Over 10,000 feet in length, with mileposts identified.
 - h) Passing sidings on double-track territory:
 - 1. Under or equal to 10,000 feet in length, with mileposts identified.
 - 2. Over 10,000 feet in length, with mileposts identified.

Response: CPKC is producing a map of the Segment in PDF format. (Document CPKC-SL-0000001_P). CPKC is also producing a version of the map in electronic .kmz format. (Document CPKC-SL-0000002_P).

5. **Passing Sidings.** On a map, identify all passing sidings on portion(s) of the *Sunset Limited's* route that you hosted, owned, operated, dispatched, served, and/or leased the during the Relevant Period. Identify any passing siding that was not long enough to accommodate all trains that traveled on the Route during the Relevant Period.

Response: None. The Segment had no passing sidings during the Relevant Period.

There are no crossovers in the double-track portion of the Segment.

6. **Sidings and train length.** How many freight trains traveled on portion(s) of the Route you host, own, operate, dispatch, serve, or lease during the Relevant Period, that could not fit into passing sidings that the train traveled past?

Response: None. The Segment had no passing sidings during the Relevant Period.

7. **Amtrak delays and siding length.** List each instance during the Relevant Period, where passing siding length (i.e., when a freight train could not fit onto passing siding due to a lack of length) resulted in an Amtrak train being stopped or slowed on portion(s) of the Route that you host, own, operate, dispatch, serve, or lease. Identify the schedule skeleton segment or skeleton-station involved, and the Amtrak train number affected, with date of departure from origin terminal.

Response: None. The Segment had no passing sidings during the Relevant Period.

8. **Passing sidings or double-track removed.** Between October 1, 2016, and December 8, 2022, did you remove or shorten any passing sidings or double-track segments on portions of the *Sunset Limited* that you host, own, operate, dispatch, serve, or lease? If so, describe the location of such sidings or double-track segments, the sidings' or double-track segment's original length (and new length, if shortened), and the circumstances leading to their removal.

Response. No. CPKC did not remove or shorten any passing sidings or double-track segments on the Neches River Bridge Segment during the period October 1, 2016, and December 8, 2022.

9. **Passing sidings blocked or unavailable.** Provide a list of each instance during the Relevant Period where a passing siding on a portion of the *Sunset Limited* that you hosted, owned, operated, dispatched, served, and/or leased was unavailable for meeting or passing trains for five consecutive days or longer. This list should clearly identify each passing siding in a way that corresponds with at least one map submitted in response to this Appendix. The list should also include the date range that each passing siding was blocked or otherwise unavailable, and a reason for the unavailability; for example, stored cars causing a blockage, maintenance, or track condition.

Response. None. The Segment had no passing sidings during the Relevant Period.

10. **Freight train speeds.** For each of your segments where the *Sunset Limited* operates, provide the actual average freight train speed between each successive pair of control points during the Relevant Period. Provide notation of any equalization calculations used with any calculations.

Response. CPKC does not collect or maintain the requested information in the regular course of business. The timetable speed for all trains on this Segment is restricted to 20 mph, as shown in KCSR's timetable for the Segment (Document CPKC-SL-0000070_C).

Improving Service, Quality, and On-time Performance.

11. **Plans for improving passenger OTP.** Provide a narrative and any relevant documents explaining any measures or plans you have for improving passenger service and on-time performance of Amtrak trains.

Response. CPKC believes that its handling of the *Sunset Limited* is consistent with Amtrak's goal of achieving on-time performance. As noted in response to Interrogatory No. 12 below, CPKC gives the *Sunset Limited* first priority over the Segment and will clear a path by not dispatching freight trains over it if the KCSR dispatcher anticipates that the freight train would be stopped, delayed, or in the foul on the Segment when the *Sunset Limited* arrives.

Preference.

12. **Dispatching protocols.** Explain your dispatching protocols on the portion(s) of the Route for which you provide dispatching. Produce documentation about your dispatching procedures used during the Relevant Period. Include standard operating procedures, employee training manuals, guidelines, instructions, and other relevant material.

Response. The Neches River Bridge Segment is a largely single-track segment that links two rail routes east of the Neches River with multiple rail routes west of the River (in Beaumont). At the east end of the Segment (Tower 31), UP's Lafayette Subdivision connects with the Neches River Bridge Segment. The west end of the Segment also connects with UP's

Lafayette Subdivision at KCSR Station 11, approximately 1.4 miles east of Amtrak's Beaumont station stop.

KCSR dispatchers dispatch the Segment to maintain fluidity of operations across the single-track Neches River Bridge while ensuring that priority trains receive preference. With respect to the operation of the *Sunset Limited* across the Segment, KCSR's dispatching protocol is as follows: KCSR dispatchers give the *Sunset Limited* first priority over the Segment and will clear a path by not dispatching freight trains over the Segment if the KCSR dispatcher anticipates that the freight train would be stopped, delayed, or in the foul of the Segment when the *Sunset Limited* arrives.

KCSR's dispatcher takes into account all applicable circumstances in clearing a path for Amtrak, including whether trackage beyond the limits of the Segment is (or will be) blocked by freight trains controlled by UP's dispatcher. In general, the process for dispatching the *Sunset Limited* across the Segment is straightforward. As the *Sunset Limited* approaches the Segment from the east or west, the UP dispatcher contacts the KCSR dispatcher and communicates the approach of the *Sunset Limited*. (KCSR dispatchers also have access to displays showing the progress of the *Sunset Limited* (as well as freight trains) on adjacent UP segments). The UP dispatcher also communicates the *Sunset Limited's* intended route after crossing the Neches River Bridge (for westbound trains, two tracks are available on the west side of the Bridge where the single-track expands to double main track at Station 14 (MP E*766.1)). Unless the intended route is blocked by a freight train beyond the limits of the Segment (in which case it may be necessary to clear that train across the Bridge to get it out of the way of the *Sunset Limited*), the KCSR dispatcher will hold the Segment clear for the *Sunset Limited* and dispatch the *Sunset Limited* across the Segment without delay. The westbound signal at the western limit of KCSR's

dispatch authority, KCSR MP 766.8, is joint with UP requiring a “match” by UP dispatchers in order for westbound trains to continue onto UP trackage.

CPKC is producing the KCS Train Dispatcher’s Manual (Document CPKC-SL-0000003_C), which provides (at § 80.17) that “whenever possible” dispatchers must “ensure that priority trains are given preference but that no train is delayed unnecessarily.” Amtrak passenger trains have priority relative to CPKC and other freight trains.

13. **Computer/automated dispatching.** Produce documentation about any computer assisted dispatching used during the Relevant Period on the portion(s) of the Route for which you provided dispatching. This includes automated dispatching and any time a computer provided a recommendation.

Response. KCSR dispatchers did not use computer assisted dispatching software or computer generated recommendations to dispatch trains on the Segment during the Relevant Period.

14. **Dispatching algorithms.** Explain the rule(s)/algorithm(s) programed into any computer system that either determines dispatching or recommends dispatching solutions; include a decision tree explaining how the program makes its decisions.

Response. KCSR dispatchers did not use computer assisted dispatching software or computer generated recommendations to dispatch trains on the Segment during the Relevant Period.

15. **Train length and priority.** To what extent, if any, does train length impact a train’s priority under your dispatching protocols?

Response. The priority provided to the *Sunset Limited* does not depend on the length of potentially conflicting freight trains. As trains approach the eastern or western limits of the Segment, KCSR dispatchers prioritize trains for authority to enter and proceed, and give

Amtrak's trains first priority. Regardless of a freight train's length, dispatchers do not give the train authority to enter the Segment if (taking account of the train's length) the freight train would occupy the Segment to the detriment of the *Sunset Limited*.

16. **Coordination with other railroads.** Describe the procedures used to coordinate the handoff of Amtrak trains on the *Sunset Limited* to other railroads.

Response. See CPKC's response to Interrogatory No. 12 above regarding handoffs from UP dispatchers to the KCSR dispatcher responsible for dispatching the Neches River Bridge Segment. The UP dispatcher who hands the *Sunset Limited* off to KCSR is the same dispatcher who receives the train a few moments later from KCSR, and so the initial communication about UP's planned routing of the train during the handoff to KCSR also addresses the subsequent handoff from KCSR to UP. KCSR's dispatchers responsible for the Segment work from a desk located in the joint UP-BNSF dispatching center in Spring, TX. Communication between that dispatcher and the UP dispatcher(s) responsible for adjacent territory can occur in person, via telephone, or via Teams or other forms of electronic messaging.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2023, I caused a copy of the foregoing document to be served by email on Administrative Law Judge McCarthy and all parties of record in Docket No. NOR 42175.



David L. Meyer

CPKC STATION/MILEPOST APPENDIX

UNIFORM STATION/MILEPOSTS IN RESPONSE TO APPENDIX A, PART II

In the Table below, KCSR ownership and responsibility for dispatching is shown as beginning at UP Junction east of the Neches River, where UP's Lafayette Subdivision connects with KCSR's Beaumont Subdivision, and ending at Station 11, west of the Neches River where KCSR's Beaumont Subdivision again connects with UP's Lafayette Subdivision. The Table uses the preface "E*" to refer to the KCSR mileposts associated with these stations and to distinguish them from the UP mileposts for the same stations reflected in the Uniform Station/Milepost data produced by UP in this proceeding.

Uniform Milepost Number	Station Name
E* 764.8	UP Junction (CP 765) – Connection with UP Lafayette Subdivision
E* 766.0	Neches River Bridge
E* 766.1	Station 14 – Crossing of Port of Beaumont Railroad and beginning of double-track
E* 766.6	Station 13 (GCL Jct.)
E* 766.8	Station 11 – Connection with UP Lafayette Subdivision

CPKC DOCUMENT TABLE OF CONTENTS
DOCUMENTS PRODUCED IN RESPONSE TO THE SURFACE TRANSPORTATION BOARD'S
APPENDIX A, PART II AND V REQUESTS

Document Name	Designation	HC Production No.	C Production No.	P Production No.
Request No. 4				
Map of the Segment in PDF format	Public	N/A	N/A	CPKC-SL-0000001_P
Map of the Segment in .kmz format	Public	N/A	N/A	CPKC-SL-0000002_P
Request No. 10				
KCSR System Timetable No. 16 (Apr. 1, 2022) (Beaumont Subdivision portion)	Confidential	N/A	CPKC-SL-0000070_C	CPKC-SL-0000070_P
Request No. 12				
KCSR Train Dispatcher Manual (Apr. 1, 2022)	Confidential	N/A	CPKC-SL-0000003_C	CPKC-SL-0000003_P