

SERVICE DATE – APRIL 5, 2024

SURFACE TRANSPORTATION BOARD

DECISION

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

Decided: April 4, 2024

On February 13, 2024, the Acting Director of the Office of Passenger Rail issued a decision directing the following parties to answer a set of questions: Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF), Canadian National Railway Company (CN) (operating through its subsidiary Illinois Central Railroad Company), the New Orleans Public Belt Rail Commission for the Port of New Orleans (NOPB), the Southern California Regional Rail Authority (SCRRA), Canadian Pacific Kansas City Limited (CPKC), and the National Railroad Passenger Corp. (Amtrak). Complaint & Pet. of the Nat’l R.R. Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak’s Sunset Ltd. Trains 1 & 2 (February 13 Decision), NOR 42175 (STB Served Feb. 13, 2024).¹ In addition to the questions set forth, the decision also ordered Amtrak, UP, BNSF, SCRRA, and CN to provide narrative explanations of the root causes of 1,087 Amtrak train delay events listed in a two-part appendix. Each party is responsible for addressing any delay that was attributed to it based on Amtrak’s submitted train delay data. (See Amtrak’s Reply, Sept. 25, 2023 (“Public Workpapers,” (file name “Amtrak_STB_Native_0002.xlsx,” worksheet “CategorizedDelayDetails_v3M”)).) UP hosts approximately 90% of the route at issue and must address 991 delays. The decision set April 15, 2024, as the deadline for responses.

On March 26, 2024, UP filed a request for an extension of time to address the 948 delays that are attributed to UP in Part I of the appendix to the Acting Director’s order. UP states that, although it is prepared to provide responses to the rest of the Acting Director’s order, including addressing the 43 delays attributed to UP in Part II of the appendix, by the April 15, 2024 deadline, it needs an additional 90 days to respond to the Part I delays in light of the “time-consuming and resource-intensive process” involved in developing those root-cause narratives. (UP Request for Extension of Time 3, Mar. 26, 2024.)

¹ By decision issued on February 6, 2024, the Board delegated certain investigative authority to the Director of the Office of Passenger Rail for use in the investigation in this docket. That delegated authority includes, in part, requiring the production of any information that is likely to be directly relevant to the issues of the Board’s passenger on-time performance investigation, and disposing of directly related routine procedural matters.

On March 28, 2024, BNSF filed a response to UP's request for extension of time. BNSF does not oppose the extension request, so long as any deadline changes apply equally to the other parties in the proceeding.

Amtrak filed a response on March 29, 2024, and it does not take a position on UP's request for extension of time. Amtrak, however, does propose that the Board order the parties to submit the data, documents, and other materials relied upon to prepare root cause analyses of the Amtrak train delays, within two weeks of submitting their narratives of delay root causes. Amtrak explains that doing so would ensure that the Board and all parties can evaluate and test the root cause analysis submitted by each party. UP responded to this request on April 2, 2024, to state that it does not object to Amtrak's proposal.

Good cause exists to grant some additional time to respond to Part I of the appendix to the February 13 Decision, though UP has not shown that its full 90-day request is warranted. UP states that its process for creating root cause narratives explaining Amtrak train delays is almost entirely manual and requires checking multiple sets of records as well as consulting with dispatching personnel. (UP Request for Extension of Time 4, Mar. 26, 2024.) On the other hand, UP acknowledges that this process will likely gain speed as it shifts its attention from unrelated train delays found in Part II of the appendix to the delays listed chronologically by train run in Part I of the appendix. (See id. at 5.) This is because the delays in Part I can, where appropriate, be grouped and discussed together where the same root cause is connected to multiple individual delays. Further, as UP also notes, the process should pick up speed as UP gains experience in creating the narratives. (See id.) Moreover, an extension of 90 days' duration, as sought by UP, would unduly hinder this stage of the proceeding. Therefore, a 45-day extension will be granted.

Additionally, Amtrak's proposal is reasonable and would help to form a complete record in this proceeding. Accordingly, parties that have been ordered to provide narratives of train delay root causes in the Acting Director's February 13 Decision will be ordered to submit to the Board the supporting data, documents, and other materials underlying their narrative explanations within two weeks of submitting those narratives.

It is ordered:

1. UP's request for an extension of time is granted in part. The deadline for Amtrak, UP, BNSF, SCRRRA, and CN to provide narrative explanations of the root causes of train delays listed in Part I of the appendix to the February 13 Decision, is extended to May 30, 2024.
2. Amtrak, UP, BNSF, SCRRRA, and CN shall submit to the Board the supporting data, documents, and other materials underlying their narrative explanations discussed in the above ordering paragraph by June 13, 2024.
3. UP and BNSF shall submit to the Board the supporting data, documents, and other materials underlying their narrative explanations of the root causes of train delays listed in Part II of the appendix to the February 13 Decision by April 29, 2024.

4. This decision is effective on its service date.

By the Board, Neil E. Moyer, Acting Director, Office of Passenger Rail.