

BEFORE THE
SURFACE TRANSPORTATION BOARD

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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

BNSF'S RESPONSE TO THE BOARD'S FEBRUARY 13, 2024 DECISION

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Dated: April 15, 2024

BNSF’S RESPONSE TO THE BOARD’S DECISION

Pursuant to the Surface Transportation Board’s (“Board”) February 13, 2024 Decision (“*Decision*”), BNSF Railway Company (“BNSF”) hereby provides the additional information sought in the *Decision*.

Host-Responsible Delays – Except Slow Order Days – Part II

REQUEST PART II: *The parties will be required to provide an explanation of the root cause(s) of delay(s) if they were listed as the responsible railroad in Amtrak’s delay data. This second list appears as Part II of the Appendix, “Select Host-Responsible Delays of 90 Minutes or More.” Examples of the explanation of root cause(s) of delay(s), may include a detailed explanation of a dispatching decision, the chain of events leading to a particular delay, intervening events, and any other relevant piece of information that will illustrate the underlying reason for a delay to an Amtrak train.*

RESPONSE TO REQUEST PART II:

The *Decision* directed BNSF to provide a root-cause analysis for one delay listed in Part II of the Appendix. This delay impacted the eastbound *Sunset Limited* Train 2, with an Origin Date of January 23, 2022 (“A2-23”). On January 25, 2022, Amtrak recorded a 135-minute delay for A2-23 on the BNSF Lafayette Subdivision between Lafayette, La. and New Iberia, La. Amtrak listed the delay type as FTI, or freight train interference.¹

BNSF has determined that the root cause of the delay for the eastbound A2-23 was a disabled eastbound BNSF freight train (HLALCSX125A) ahead of A2-23 on the route that prevented any rail traffic (both freight and passenger, eastbound and westbound) from proceeding along this portion of the BNSF Lafayette

¹ See *Decision*, Appendix, Part II.

Subdivision. As BNSF has explained, there is only one main-line track on the BNSF Lafayette Subdivision that must be used by both westbound and eastbound freight and passenger trains.

The eastbound A2-23 entered the BNSF Lafayette Subdivision from UP-dispatched territory at 16:20 on January 25, 2022, passing Iowa Junction (MP C205.4) approximately twenty minutes late. BNSF's records show that the disabled BNSF freight train was reported at MP C124.4 about fifteen minutes after A2-23 entered the subdivision at Iowa Junction. A2-23 did not experience a freight train interference delay until it reached the Lafayette (MP C144.5) to New Iberia (MP C125.5) segment, entering that segment at 17:29. The disabled BNSF freight train had one lead locomotive (BNSF 5269) and one locomotive located further back in the train operating as a distributed power unit (BNSF 1063). The distributed power unit experienced an electrical failure and could not pass an air brake test.

BNSF attempted to resolve the disabled train by either (1) advancing the train from MP C124.4 east to the Bayou Sale Siding (MP C95.8) to clear a route for A2-23 or (2) pulling a distributed power unit off another BNSF train already parked at the Baldwin Siding (MP C107.2) and adding it to the disabled train. Ultimately, BNSF removed the rear distributed power unit from the disabled train and added an End of Train Device ("EOT") to the disabled train to allow the BNSF train to advance eastbound into the Bayou Sale Siding (MP C97.8), thereby clearing the route at that point for A2-23 to advance further eastbound unimpeded.

A2-23 arrived at New Iberia station (MP C125.5) at 20:08, 2 hours and 29 minutes late, following a 135-minute delay due to the disabled freight train. On the next segment, from New Iberia to Schriever station (MP C55.0), A2-23 experienced an additional 15-minute delay from following the disabled freight train until that train moved into the Bayou Sale Siding at MP C97.8 and A2-23 could overtake the disabled train at that point.

Host-Responsible Delays – Focused Questions: Slow Orders by Subdivision

REQUEST NO. 1: *For each week of the Relevant Period provide the total slow order minutes in effect based on the maximum authorized speed for passenger trains.*

RESPONSE TO REQUEST NO. 1:

BNSF issues temporary speed restrictions (i.e., “slow orders”) for any track condition that might prevent trains from operating safely at maximum authorized speed. Temporary speed restrictions apply to all trains – freight and passenger alike – to protect crews, freight, facilities, and the general public.

BNSF regularly calculates the likely delay impact of these speed restrictions for each train on its network. BNSF bases these calculations on the magnitude of the enforced speed reduction and the total distance travelled while under the temporary speed restriction, including time for deceleration and acceleration. During the Relevant Period, BNSF generated a daily “snapshot” at 3:00 a.m. of all temporary speed restrictions on the BNSF Lafayette Subdivision. BNSF used this data to calculate the average delay minutes associated with temporary speed restrictions for the *Sunset Limited* service on the BNSF Lafayette Subdivision for each week of the Relevant Period, as shown below. Note, BNSF’s reporting week runs Sunday to Saturday.

Week	Avg Daily Delay Minutes
2021-40	18.85
2021-41	18.91
2021-42	18.13
2021-43	19.39
2021-44	23.21
2021-45	24.19
2021-46	25.37
2021-47	24.29
2021-48	38.33
2021-49	21.86
2021-50	17.37
2021-51	20.61
2021-52	19.46
2022-1	16.8
2022-2	19.7
2022-3	22.37
2022-4	15.63
2022-5	16.27
2022-6	16.81
2022-7	16.53
2022-8	12.57
2022-9	12.61

Week	Avg Daily Delay Minutes
2022-10	18.61
2022-11	20.3
2022-12	21.41
2022-13	18.1
2022-14	20.89
2022-15	13.96
2022-16	9.79
2022-17	9
2022-18	9.97
2022-19	11.1
2022-20	9.97
2022-21	9.77
2022-22	10.01
2022-23	12.23
2022-24	22.43
2022-25	22.1
2022-26	25.9
2022-27	22.44
2022-28	20.81
2022-29	20.4
2022-30	15.67
2022-31	13.76

Week	Avg Daily Delay Minutes
2022-32	10.51
2022-33	8.57
2022-34	7.81
2022-35	6.26
2022-36	9.36
2022-37	7.54
2022-38	6.8
2022-39	7.67
2022-40	8.94
2022-41	8.8
2022-42	10.67
2022-43	5.84
2022-44	3.09
2022-45	3.21
2022-46	3.91
2022-47	2.9
2022-48	2.3
2022-49	3.39
2022-50	3.18

REQUEST NO. 2: *For each week of the Relevant Period provide the carrier's target maximum minutes of slow order delay (if such targets existed during the Relevant Period).*

RESPONSE TO REQUEST NO. 2: As described in response to Request No. 1, during the Relevant Period, BNSF created projections for train delays associated with temporary speed restrictions on the BNSF Lafayette Subdivision. First, BNSF reviewed a daily report of temporary speed restrictions in place for the

BNSF Lafayette Subdivision using the 3:00 a.m. “snapshot” described above. Next, BNSF calculated the likely delay impact on freight and passenger trains based on the magnitude of the speed reduction and the distance travelled while under the temporary speed restriction, including time for deceleration and acceleration.

BNSF analyzes anticipated Amtrak delays based on BNSF’s contractual obligations to Amtrak, particularly the amount of “recovery time” available to BNSF under the contract. BNSF and Amtrak often collaborate on adding more tolerance under the contract for delays, particularly where the parties can anticipate certain temporary speed restrictions based on BNSF’s planned maintenance activity.

During the Relevant Period, BNSF regularly reviewed the projected delay minutes associated with temporary speed restrictions for *Sunset Limited* trains on the BNSF Lafayette Subdivision. If these projected delay minutes began to trend at or above an internal review threshold, BNSF generally determined if it could leverage additional resources to reduce the delays. Throughout the Relevant Period, the internal review threshold for *Sunset Limited* trains was set at 22 delay minutes, using a formula of 50 percent of the contractual recovery time on the route, taking the minimum contractual recovery time across eastbound and westbound schedules, plus an additional five minutes.

REQUEST NO. 3: *Where there are multiple main tracks, show the slow order minutes and targets for each of the main tracks (Main 1, Main 2, etc.) separately from the slow order minutes and targets shown for the single main track territory for each subdivision, on a week-by-week basis.*

RESPONSE TO REQUEST NO. 3: No answer to this request is required. There is only one main line track on the BNSF Lafayette Subdivision.

Site- and Party-Specific Questions

REQUEST NO. 1: Does BNSF or UP control the switches and signals in the connecting crossovers at Live Oak?

RESPONSE TO REQUEST NO. 1: UP controls the switches and signals at the connecting crossovers at Live Oak.²

REQUEST NO. 2: Does BNSF or UP own and maintain the former Southern Pacific main track between Live Oak and West Bridge Junction?

RESPONSE TO REQUEST NO. 2: UP owns and maintains the former Southern Pacific (“SP”) main track between Live Oak (MP C14.95) to West Bridge Junction (MP B10.5).

Amtrak incorrectly asserted, in its December 5, 2023 filing with the Board, that BNSF “assumed ownership and control over the former Southern Pacific line contained within [the Live Oak to West Bridge Junction] segment.”³ The only track that BNSF owns between Live Oak and West Bridge Junction is the former Missouri Pacific Railroad Company line between MP 14.11 and MP 10.38 that BNSF purchased from UP.⁴

² See BNSF Division Timetable at BNSF-SUNSET-0002315 (“Between MP 14.3 and MP 14.8 UP rules, timetable and special instructions govern.”).

³ See Amtrak’s December 5, 2023 Submission in NOR 42175, at 15.

⁴ These mile posts reflect Missouri Pacific Railroad’s records as of the time of the sale of the line to BNSF in 1996 and correspond to MP B14.3 and MP B10.5 in the record in this proceeding.

Respectfully submitted,

/s/ Peter W. Denton

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VERIFICATION

I, James Tylick, hereby certify that I am authorized to sign this verification on behalf of BNSF Railway Company.

I have read all answers in **BNSF's Response to the Board's February 13, 2024 Decision ("Response")**. While I do not have personal knowledge of all of the facts recited therein, I have been informed that the Response is based on information collected by others at or on behalf of BNSF, and is therefore necessarily limited to the records and information in existence, presently collected, and thus far discovered in the course of the preparation of the Response.

I reserve the right to make any changes to the Response if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth therein, I affirm that the Response is true to the best of my knowledge, information and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2024, in Fort Worth, Texas.

/s/ James Tylick
James Tylick

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Response of BNSF Railway Company to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Jennie Askew
Jennie Askew

Attorney for BNSF Railway Company

April 15, 2024