

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. NOR 42175

ENTERED
Office of Proceedings
April 15, 2024
Part of
Public Record

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

**UNION PACIFIC RAILROAD COMPANY'S RESPONSES
TO THE SURFACE TRANSPORTATION BOARD'S REQUESTS
FOR ADDITIONAL INFORMATION SERVED FEBRUARY 13, 2024**

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Union Pacific Railroad Company hereby responds to the Board's order served February 13, 2024, as modified by the Board's order served April 5, 2024.

In the pages below, Union Pacific responds separately to each of the Board's requests for additional information from Union Pacific. In Appendix A, Union Pacific provides an index to the accompanying files and supporting documents it is also producing in response to the requests.

I. Host-Responsible Delays—Except Slow Order Delays

Union Pacific is providing narrative explanations of the root causes of the "Select Host-Responsible Delays of 90 Minutes or More" listed in Part II of the Appendix to the Board's order served February 13, 2024, where the "Host RR" was identified as "UP" in the file named "UP Select Delays of 90 Minutes or More – Highly Confidential.pdf," which is within the accompanying file "UP_Supp_041524_HC.zip."

The narrative explanations reflect Union Pacific's diligent efforts to identify root causes of delays that occurred years ago by compiling and reviewing data from a variety of sources and consulting with dispatching personnel familiar with the operations and territories at issue to understand factors that would cause the observed outcomes.

Union Pacific is also providing documents containing supporting information referenced in the narratives. The documents can be found in folders identified by the Amtrak train designation (*i.e.*, AMT1-xx or AMT2-xx) and train date within the accompanying file “UP_Supp_041524_HC.zip.”

Pursuant to the Board’s order served April 4, 2024, Union Pacific will produce any additional supporting data, documents, and other material underlying the narrative explanations by April 29, 2024.

II. Host-Responsible Delays—Focused Questions: Slow Orders by Subdivision

Question 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: Union Pacific is providing responsive information in the file named “Union Pacific Slow Orders by Subdivision - Confidential.xlsx,” which is within the accompanying file “UP_Supp_041524_HC.zip.”

In the ordinary course of business, Union Pacific does not calculate weekly slow order minutes or weekly slow order minutes by subdivision. It is producing detailed slow order data to avoid potential disputes about methodological issues. (Different trains will be affected by slow orders in different ways depending train power, train weight, and specific track characteristics.)

The accompanying file provides information regarding slow orders in effect on a daily basis for the specific Union Pacific subdivisions identified by the Board during the Relevant Period. In the file, Column A identifies the subdivision; Column B identifies whether the slow order involved single main track (“SIMN”), double-main track, and which track (“NO 1” or “NO 2”) or a siding (“SIDE”); Column C identifies the slow order’s beginning milepost; Column D identifies the slow order’s ending milepost;

Column E identifies the date the slow order was in effect; Column F identifies the slow order's length in miles; Column G identifies the maximum timetable authorized speed for passenger trains during normal operations for the segment at issue;¹ Column H identifies the maximum authorized speed for passenger trains during the slow order.

Question 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: Union Pacific is providing responsive information in the file named "Amtrak Slow Order Targets - Confidential.xlsx," which is within the accompanying file "UP_Supp_041524_HC.zip."

Union Pacific's only targets for maximum minutes of slow order delay that existed during the Relevant Period were established in its Operating Agreement with Amtrak. The targets are established for separate segments of the Sunset Limited Route, and they identify maximum minutes of slow order delay per one way trip. The same targets were in effect during the entire Relevant Period. In practice, Union Pacific's compliance with the Amtrak targets has been evaluated based on slow order delay information reported by Amtrak, not the data produced in response to Question 1.

Question 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: As discussed in response to Question 1, the data produced in Question 1 show minutes of delay separately for single main track and each main track in territory

¹ The accompanying file does not identify the maximum timetable authorized speeds for passenger trains for some slow order segments on the Beaumont Subdivision. However, the maximum timetable authorized speeds for passenger trains were the same as those for freight trains.

with more than one main track. As discussed in response to Question 2, Union Pacific does not have targets for maximum minutes of slow order delay apart from those created by its Operating Agreement with Amtrak, which do not differentiate between single main track territory and other territory.

III. Amtrak-Responsible Delays

[Questions directed to Amtrak]

IV. Site- and Party-Specific Questions

Live Oak to West Bridge Junction

Question 1: Does BNSF or UP control the switching and signals in the connecting crossovers at Live Oak?

Response: Union Pacific controls the signals and switches in the connecting crossovers at Live Oak.

Question 2: Does BNSF or UP own and maintain the former Southern Pacific main track between Live Oak and West Bridge Junction?

Response: Union Pacific owns and maintains the former Southern Pacific main track between Live Oak and West Bridge Junction.

Union Pacific-Specific Questions

Question 1: What is the passenger train speed UP expects CN to maintain on the segment of main track from East Bridge Junction to Southport Junction for the operation of the Amtrak trains for which UP pays an annual fee? Provide a response which takes into account CN's September 25, 2023 reply in this docket, on page 4, which states:

Before Amtrak began operations in 1971, UP's predecessor Southern Pacific Transportation Company ("SP") operated the Sunset Limited as its own passenger train over the segment, using trackage rights granted by CN's predecessor. Those trackage rights for passenger trains remain in force today between CN and UP. When Amtrak assumed direct operation of the Sunset Limited in 1971, it continued operating over the Segment as SP had done, via SP's (now UP's) trackage rights, and to this day Amtrak continues to operate via those rights. UP pays CN a flat annual fee for

Amtrak's operation of the Sunset Limited trains via UP's trackage rights over the Segment.

Response: Union Pacific no expectation of any specific speed. The trackage rights agreement CN was apparently referencing in its reply does not expressly address Amtrak trains or establish a specific speed CN must maintain for passenger trains moving over its East Bridge Junction to Southport Junction track segment. Union Pacific's Operating Agreement with Amtrak does not include the East Bridge Junction to Southport Junction segment, and Amtrak's schedule skeletons identify CN as the railroad host for that segment. *See Complaint and Petition for Board Investigation and Other Relief, Appendix A.*

Respectfully submitted,

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April 15, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2024, 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.

/s/ Michael L. Rosenthal