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April 15, 2024

BY E-FILING

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *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 (Docket No. NOR
42175)*

Dear Ms. Brown:

Please find attached for filing in the above-referenced proceeding the Response of Illinois Central Railroad Company to the Information Requests in the Surface Transportation Board's February 13, 2024 Decision ("Response").

Also attached are two separate ZIP files containing the documents produced by Illinois Central Railroad Company ("CN") in conjunction with its Response. The first ZIP file is hereby submitted under seal and designated as "CONFIDENTIAL" under the protective order in this proceeding. It contains CN's complete production, including documents designated as "CONFIDENTIAL." The second ZIP file is submitted for inclusion on the public record. It contains CN's PUBLIC production, from which all "CONFIDENTIAL" documents have been excluded.

Sincerely,

/s/ David A. Hirsh

David A. Hirsh

Counsel for Illinois Central Railroad Company

Enclosures

cc: All Parties of Record

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

**RESPONSE OF ILLINOIS CENTRAL RAILROAD COMPANY TO THE
INFORMATION REQUESTS IN THE SURFACE TRANSPORTATION BOARD’S
FEBRUARY 13, 2024 DECISION**

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COMPLAINT AND PETITION OF THE NATIONAL RAILROAD PASSENGER CORP.
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RESPONSE OF ILLINOIS CENTRAL RAILROAD COMPANY TO THE
INFORMATION REQUESTS IN THE SURFACE TRANSPORTATION BOARD’S
FEBRUARY 13, 2024 DECISION

Illinois Central Railroad Company (“CN”) hereby responds to the information requests directed to CN in the Surface Transportation Board’s (“STB” or “Board”) February 13, 2024 Decision (“Decision”) as follows:

DEFINITIONS

1. "Amtrak" refers to the National Railroad Passenger Corporation.
2. "CN" refers to Illinois Central Railroad Company.
3. "CN-NOPB Lease" refers to CN's lease of the EBJ-SPJ Segment to NOPB, in effect December 30, 2019.
4. "KCS" refers to The Kansas City Southern Railway Company, a subsidiary of Canadian Pacific Kansas City Limited.
5. "NOPB" refers to New Orleans Public Belt Railroad Commission for the Port of New Orleans.
6. "NOUPT" refers to New Orleans Union Passenger Terminal.
7. "Relevant Period" refers to the period October 1, 2021 through December 8, 2022.
8. "EBJ-SPJ Segment" refers to the line owned by CN, but leased to NOPB, between East Bridge Junction, LA (MP A906.5) and Southport Junction, LA (MP A908.7).
9. "Sunset Limited" refers to the Amtrak service (Amtrak Trains 1 and 2) that is the subject of this docket.

GENERAL STATEMENTS AND OBJECTIONS

1. A response by CN to any information request does not indicate and should not be construed as an acknowledgement by CN that such information is relevant or admissible. CN expressly reserves the right to object to additional information requests and to object to the introduction into evidence, in this investigation or any action, of its responses hereto or documents produced in connection herewith.
2. The responses and objections contained herein are made to the best of CN's present knowledge, information, and belief. CN expressly reserves the right to amend, supplement, and clarify its objections and responses, but assumes no obligation to do so beyond the requirements of 49 C.F.R. § 1114.29.
3. Unless stated otherwise, responses are limited to the Relevant Period.
4. By answering and producing documents in response to any information request, CN does not waive objections or make any admissions as to: (a) the admissibility or relevance of any information or documents referenced herein; (b) the scope of the information requests relative to the subject matter of the above-captioned investigation; and (c) any additional, amended or supplemental information requests that the STB may issue in the future. CN expressly reserves the right to raise such objections.
5. CN's responses to the information requests are made subject to and without waiving these General Statements and Objections. CN incorporates its General Responses and Objections into each response set forth below as if fully stated therein.
6. These General Statements and Objections are made to avoid the duplication and repetition of restating them for each of the information requests. However, the response to an individual request may, for purposes of clarity, include an objection that is wholly or partially covered by a General Statement or Objection. The failure of an individual response to list a particular General Statement or Objection does not constitute and should not be construed as a waiver of that objection for that response, and the production of any documents that are otherwise subject to an objection is not a waiver of any such objection as to any other document not produced.
7. CN objects to the extent the information requests seek confidential or proprietary or personal information of a third party, the disclosure of which is restricted by reason of contract, privacy laws, or other binding legal obligations.

INFORMATION REQUESTS FROM THE DECISION

I. Host-Responsible Delays—Except Slow Order Delays

In accordance with the Board’s April 5, 2024 decision, CN will provide its narrative explanations of the specific delays listed in Part I of the Appendix to the Decision in a separate response on or before May 30, 2024.¹

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

Part II of the Decision directs CN (and NOPB) to respond to the following questions regarding the McComb Subdivision between East Bridge Junction and Southport Junction:

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:

As explained further below, the most restrictive slow orders (5- and 10-mph) that were in effect over the EBJ-SPJ Segment during the Relevant Period have now all been eliminated.

Passenger trains are now permitted to operate at 25 mph across the entire segment.

This request is framed in terms of “slow order minutes.” CN does not track or maintain “slow order minutes” as defined by the Board or under any alternative definition.² CN posts and maintains slow order information by maximum permitted speed (stated in miles per hour), segment start and end points, and effective date.

¹ CN is not required to provide explanations for the delays listed in Part II of the Appendix to the Decision. See Decision at 7.

² The Decision states (at 3 n.4) that “‘slow order minutes’ are the difference in running times at posted maximum authorized speed during normal operations on any part of the railroad versus the running time on that same part of the railroad when trains are slowed by temporary speed restrictions (i.e., slow orders).”

Nonetheless, CN provides the following estimates of total slow order minutes for each week of the Relevant Period. CN understands this request to ask for a calculation, by week, of the theoretical difference in running times for a passenger train operating over the EBJ-SPJ Segment at maximum authorized speed (i.e., maximum timetable speed, which includes permanent, but not temporary, slow orders) versus operating with applicable temporary slow orders. This calculation requires knowing, for each week of the relevant period, the maximum timetable speed and all applicable slow orders on each portion of the EBJ-SPJ Segment.

Throughout the Relevant Period, two separate maximum timetable speeds were in effect on two sections of the EBJ-SPJ Segment. For the majority of the segment, approximately 1.4-miles between MP A907.3 and MP A908.7, the maximum speed was 30 mph. This 30-mph maximum speed was established at the request of Amtrak. *See* Response to Part IV, question 5, below. For the remaining 0.8-mile section between MP A906.5 and MP A907.3, the maximum timetable speed was 60 mph.

In addition, the following temporary slow orders were in effect on different portions of the EBJ-SPJ Segment at various times during the Relevant Period:

1. 10-mph temporary slow order between MP A908.5 and MP 908.73 (at the KCS diamond), in effect during the entire Relevant Period;
2. 25-mph temporary slow order between MP 906.4 and MP A908.5, in effect during the entire Relevant Period;
3. 10-mph temporary slow order between MP A906.73 and MP A907.25, in effect from February 15, 2022 to February 25, 2022;
4. 5-mph temporary slow order between MP A907.8 and MP A908.0, in effect from May 2, 2022 to May 13, 2022;
5. 10-mph temporary slow order between MP 906.12 and MP A906.65, in effect from October 22, 2022 past the end of the Relevant Period.

As noted above, the temporary slow orders of 5 mph and 10 mph have all been removed, and the prior 25-mph slow order has been replaced and expanded to apply to the full EBJ-SPJ Segment. Specifically with regard to the KCS diamond, upgrades were completed at the end of February 2024, and the 10-mph slow order at that location was lifted on March 8, 2024.

Using the above information, CN calculates that the hypothetical number of running time minutes required for a train to traverse the EBJ-SPJ Segment at maximum timetable speeds, which did not change during the entire Relevant Period, was 3.60 minutes.³

CN next calculates the number of “slow order minutes” in effect for a hypothetical train for each week of the Relevant Period by finding the difference in running time between a theoretical train operating at the maximum timetable speed (here, 3.60 minutes) and one operating under applicable slow orders. The Relevant Period consists of 61 full weeks, and two partial weeks. In accordance with the first two slow orders listed above, for over 83% of the Relevant Period (362 of 433 days), the same temporary speed restrictions were in place on the EBJ-SPJ Segment: 10 mph at the KCS diamond (between MP A908.50 and MP 908.73) and 25 mph for the remainder of the segment. A hypothetical train subject to these speed restrictions would require 6.00 minutes to traverse the EBJ-SPJ Segment, or an additional 2.40 minutes (“slow order minutes” as defined herein) as compared to the running time of 3.60 minutes with no temporary speed restrictions.

³ At maximum timetable speed a theoretical train could traverse the segment running at 30 mph for 1.4 miles (requiring 2.80 minutes) and at 60 mph for 0.8 miles (0.80 minutes), for a total running time of 3.60 minutes. The running time for each portion of the EBJ-SPJ Segment with a different maximum speed is calculated by dividing the mileage for the portion by the applicable speed in mph and multiplying the result by 60 to convert hours to minutes. For example, the calculation for the 1.4 mile segment is: $(1.4 \text{ miles} \div 30 \text{ mph}) \times 60 \text{ minutes/hour} = 2.80 \text{ minutes}$. The running times for individual portions of the EBJ-SPJ Segment are then summed to produce the total EBJ-SPJ Segment running time.

There are three periods that vary from this number of “slow order minutes,” each corresponding with a temporary slow order listed above (numbers 3 through 5):

- For the period February 15-25, 2022 – a hypothetical train would have required 7.87 minutes to traverse the EBJ-SPJ Segment for a total of 4.27 “slow order minutes” as compared to the running time of 3.60 minutes with no temporary speed restrictions.
- For the period May 2-13, 2022 – a hypothetical train would have required 7.92 minutes to traverse the EBJ-SPJ Segment for a total of 4.32 “slow order minutes” (7.92 minus 3.60).
- For the period October 22, 2022 to December 8, 2022 (the end of the Relevant Period) – a hypothetical train would have required 6.54 minutes to traverse the EBJ-SPJ Segment for a total of 2.94 “slow order minutes” (6.54 minus 3.60).

As noted above, the 5- and 10-mph slow orders over the EBJ-SPJ Segment in effect during the Relevant Period have since been eliminated, and passenger trains are now permitted to operate at 25 mph across the entire segment. At that speed, it requires 5.28 minutes to traverse the segment, compared to 3.60 minutes at maximum authorized speed, resulting in only 1.68 “slow order minutes” per train.

A more telling comparison is between the 5.28 minutes required to traverse the EBJ-SPJ Segment at the current 25-mph maximum speed and Amtrak’s 5-minute schedule skeleton time. Even leaving aside the fact that the 5-minute schedule skeleton time may be insufficient,⁴ the 0.28 minute difference (equal to just 16.8 seconds) is a small fraction of the 15 minutes of “tolerance” allowed before an Amtrak train is considered late at a station.

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).

⁴ As discussed in response to question No. 3 of Part IV, the 5-minute schedule skeleton time is (i) rounded to a whole number, (ii) based solely on Amtrak’s assessment of PRT (the time required for an ideal Amtrak run with no delays), without validation by CN (or, apparently, any other freight railroad), and (iii) includes no recovery or miscellaneous time to cover ordinary anticipated delays.

Response:

CN had no “target maximum minutes of slow order delay” during the Relevant Period.

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:

This request does not apply to CN as the 2.2-mile EBJ-SPJ Segment had only one main track throughout the Relevant Period (as it does today).

III. Amtrak-Responsible Delays

Not applicable to CN, as the requests in this section are directed to Amtrak only.

IV. Site- and Party-Specific Questions

East Bridge Junction to Southport Junction

Part IV of the Decision directs CN to provide responses to the following questions concerning the EBJ-SPJ Segment:

1. What was the maximum speed allowed on the *Sunset Limited* route between East Bridge Junction and Southport Junction before it was leased to NOPB in December 2019?

Response:

CN understands this request to ask for the maximum passenger speed allowed on each portion of the Sunset Limited route between East Bridge Junction and Southport Junction (i.e., not just for any one portion or for the EBJ-SPJ Segment as a whole) immediately prior to the CN-NOPB Lease (which took effect on December 30, 2019). Three slow orders that together covered the entire 2.2-mile EBJ-SPJ Segment were in effect on December 30, 2019. The maximum speed allowed at the KCS diamond, between MP A908.5 and MP A908.7, was 10 mph due to restrictions imposed by KCS. The maximum speed allowed between MP A907.8

and MP A908 was 10 mph. The maximum speed allowed on the remainder of the EBJ-SPJ Segment (i.e., not covered by one of the two preceding slow orders) was 25 mph.

2. Does CN's lease agreement with NOPB include a requirement for NOPB to maintain a level of utility or acceptable allowable passenger train speed for Amtrak trains?

Response:

NOPB is required under the CN-NOPB lease to maintain the track to at least the FRA class of track standard(s) in place at the time of the agreement or as may be required by CN with 120 days written notice to NOPB. Both during and after the Relevant Period NOPB has made repairs on the EBJ-SPJ Segment in order to maintain its level of utility. As discussed in answer to question No. 1 of Part II, the current maximum speed on the entire EBJ-SPJ Segment is 25 mph.

3. What speed is necessary to adhere to the Amtrak skeleton schedule for Train 1 which allows five minutes from departure Southport Junction to departure East Bridge Junction?

Response:

Amtrak's 5-minute schedule skeleton time is based on Amtrak's assessment of pure run time ("PRT"), which is the time required for an ideal Amtrak run with no delays. That 5-minute run time has not been validated by CN (nor, to CN's knowledge, by any freight railroad).⁵

As the EBJ-SPJ Segment is 2.2 miles long, and based on the rounded 5 minutes in Amtrak's schedule skeleton, one can calculate that Amtrak must maintain an average speed of 26.4 mph to adhere to its schedule. PRT in Amtrak's schedules is rounded to the nearest whole

⁵ See Response of Illinois Central Company to Amtrak's Complaint and Proposed Procedures (Jan. 27, 2023), Attachment B, Letter from M. Matteucci (CN) to M. Lestingi (Federal Railroad Administration) and D. Newman (Amtrak) at 2-3 (Jan. 26, 2023) (explaining that because CN is not a host for the Sunset Limited service, it could not provide host certification for the EBJ-SPJ Segment of the Sunset Limited schedule).

minute, however, which means the 5.28 minutes required for a train travelling at the current 25-mph maximum speed for the EBJ-SPJ Segment is within the potential range of actual PRT (i.e., if not rounded).

Further, it is important to understand that these small differences in speeds and run times have only a minimal impact on delay. Amtrak's 5-minute scheduled run time for the EBJ-SPJ Segment includes only PRT. Although some level of Amtrak delay is expected on every segment, here the schedule includes no recovery or miscellaneous time to compensate for ordinary anticipated levels of delay. The on-time metrics for Amtrak's trains take delays into account, in part, however, by recognizing a "tolerance" of 15 minutes before a train arriving at a station is considered "late." This helps put into context the minimal difference in run times between the 5 minutes in the schedule skeleton and the 5.28 minutes required to traverse the EBJ-SPJ Segment at the maximum speed of 25 mph. That difference of 0.28 minutes is equal to just 16.8 seconds, which is a tiny portion of the 15 minutes of tolerance before an Amtrak train is considered "late."

4. What was the speed of the CN main track over the Kansas City Southern crossing diamond west of Southport Junction prior to December 2019 when it was leased to NOPB?

Response:

CN understands this request to ask for the maximum allowable speed immediately prior to the CN-NOPB Lease (December 30, 2019). The maximum allowable speed at the KCS crossing diamond immediately prior to December 30, 2019, was 10 mph, as a result of a slow order at that diamond, which is controlled and maintained by KCS.

5. What was the highest maximum speed for passenger trains allowed on the McComb Subdivision between East Bridge Junction and Southport Junction for the Relevant Period as shown in CN's employee timetables?

Response:

CN understands this request to ask for the highest authorized passenger train speed in its timetables at any time during the Relevant Period on each portion of the EBJ-SPJ Segment (i.e., not just for any one portion or for the EBJ-SPJ Segment as a whole), accounting for maximum speeds imposed by permanent speed restrictions, which are listed in CN's timetables, but not temporary slow orders, which are not.

For 1.4 miles of the 2.2-mile EBJ-SPJ Segment, from the Long Crossover connection (at MP A907.3) to where CN's track connects with NOUPT's track near Southport Junction (at roughly MP A908.7), the highest maximum speed shown in CN's employee timetables for passenger trains during the Relevant Period was 30 mph. This maximum speed was imposed at the request of Amtrak, which asked for "the [permanent speed restriction] at Southport to be 30 mph (McComb Subdivision between MP 906.4-mp 908.6)." Email from K. Cunningham (Amtrak) to S. Kuxmann (CN) (Sept. 10, 2020) (CN_000267) (highlighting in original).⁶ CN implemented Amtrak's request by issuing an Operating Bulletin that permanently restricts passenger train speed from "Long Crossover to Southport – (HER)" to 30 mph. See CN Division Operating Bulletin No. 30 (Mar. 23, 2021), at 2 (CN_000269). The speed restriction was subsequently incorporated into CN's timetable and it remains in the current timetable. See CN Gulf Division Timetable No. 4, effective July 1, 2021, at 58 (CN_000273); CN Gulf Division

⁶ CN is separately submitting along with this Response the Bates-numbered documents cited herein. For efficiency purposes, CN is producing only the relevant excerpts (i.e., the McComb Subdivision) from its timetables.

Timetable No. 5, effective Jan. 1, 2022, at 58 (CN_000281); *see also* CN Gulf Division Timetable No. 7, effective Jan. 1, 2024, at 59 (CN_000289).

The highest maximum speed listed in CN's employee timetables for passenger trains on the remaining 0.8-miles of the EBJ-SPJ Segment during the Relevant Period was 60 mph. However, that speed, which applies between Skip, Louisiana and Southport Junction, merely reflects the general FRA track classification for that portion of CN's McComb Subdivision. It does not account for the realities of operating over the 2.2-mile EBJ-SPJ Segment, including through the signals, switches, and crossovers at East Bridge Junction immediately to the west of the EBJ-SPJ Segment, which limit operating speeds to 10 mph, over the switch for the Long Crossover, over the KCS diamond, and through the significant curve connecting the east end of the EBJ-SPJ Segment to NOUPT, which carries a 30 mph speed restriction on the Amtrak segment. *See, e.g.*, Email from K. Cunningham (Amtrak) to S. Kuxmann (CN) (Sept. 10, 2020) ("It's virtually impossible to run 50 mph at Southport when the speed is 30 mph on the other [Amtrak] side of the diamond.") (CN_000267). As a result of these operating realities on the EBJ-SPJ Segment, neither passenger nor freight trains can realistically achieve speeds approaching 60 mph. By comparison, as noted in response to question No. 3 of Part IV, in order to meet Amtrak's schedule, which is based on its assessment of pure run time for the EBJ-SPJ Segment, Sunset Limited trains must maintain an average speed of only 26.4 mph.

6. What was the highest passenger train speed listed in employee timetables in effect on the McComb Subdivision from December 2019 to present between East Bridge Junction and Southport Junction?

Response:

CN understands this request to ask for the highest authorized passenger train speed in its timetables at any time between December 2019 and the present, on each portion of the EBJ-SPJ Segment (i.e., not just for any one portion or for the EBJ-SPJ Segment as a whole), accounting

for maximum speeds imposed by permanent speed restrictions, which are listed in CN's timetables, but not temporary slow orders, which are not.

The 30-mph maximum speed, which Amtrak requested and CN implemented from the Long Crossover connection to where CN's track connects with NOUPT's track near Southport Junction, as discussed in response to question No. 5 of Part IV, came into effect as a permanent speed restriction on March 23, 2021. It remains today the highest passenger train speed listed in CN's employee timetables for that portion of the EBJ-SPJ Segment. See CN Gulf Division Timetable No. 7, effective Jan. 1, 2024, at 59 (CN_000289). Prior to March 23, 2021, the highest passenger train speed listed in employee timetables for this portion of EBJ-SPJ Segment (i.e., from the Long Crossover connection to NOUPT's track near Southport Junction) was 60 mph, except at the KCS diamond crossing at Southport Junction, where it was 50 mph. See CN Gulf Division Timetable No. 1, effective Apr. 1, 2017, at 64 (CN_000298); CN Gulf Division Timetable No. 2, effective July 1, 2020, at 57 (CN_000307); CN Gulf Division Timetable No. 3, effective Jan. 1, 2021, at 58 (CN_000315). The highest passenger train speed listed in employee timetables since December 2019 for the remaining portion of the EBJ-SPJ Segment was also 60 mph. *Id.* As noted in response to question No. 5 of Part IV, however, that speed is far greater

than what is actually attainable given the characteristics of the EBJ-SPJ Segment and, in particular, the speed limitations immediately east and west of the segment.

Respectfully submitted,

/s/ David A. Hirsh

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Counsel for Illinois Central Railroad Company

April 15, 2024

VERIFICATION

I, Michael A. Matteucci, certify under penalties of perjury that I am Senior Director – Interline Services for Canadian National Railway Company and its subsidiaries (including Illinois Central Railroad Company), that I have read the foregoing Response of Illinois Central Railroad Company to the Information Requests in the Surface Transportation Board’s February 13, 2024 Decision and that the facts stated therein are true as stated. I further declare under penalties of perjury that I am qualified and authorized to make this certification on behalf of Illinois Central Railroad Company and its affiliates.

Executed on April 15, 2024.



Michael A. Matteucci

CERTIFICATE OF SERVICE

I, James M. Guinivan, hereby certify that I have, this 15th day of April, 2024, caused the foregoing Response of Illinois Central Railroad Company to the Information Requests in the Surface Transportation Board's February 13, 2024 Decision to be served by email upon all parties of record.

/s/ James M. Guinivan

James M. Guinivan