

SERVICE DATE – MAY 24, 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: May 24, 2024

On February 13, 2024, the Acting Director of the Office of Passenger Rail issued a decision directing Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF), Canadian National Railway Company (CN) (operating through its subsidiary Illinois Central Railroad Company), the Southern California Regional Rail Authority (SCRRA), and the National Railroad Passenger Corp. (Amtrak) to provide narrative explanations of the root causes of 1,087 Amtrak train delay events listed in a two-part appendix. 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). Each party was responsible for addressing any delay that was attributed to it based on Amtrak’s submitted train delay data. (See Amtrak Reply, Sept. 25, 2023 (“Public Workpapers,” (file name “Amtrak_STB_Native_0002.xlsx,” worksheet “CategorizedDelayDetails_v3M”)).) The decision set April 15, 2024, as the deadline for responses.

On April 5, 2024, the Acting Director partially granted a request by UP for an extension of time to address the 948 delays that are attributed to UP in Part I of the appendix to the February 13 Decision. As relevant here, the deadline for Amtrak, UP, BNSF, SCRRA, and CN to address Part I of the appendix was extended until May 30, 2024. No extension was requested or given for Part II of the appendix to the February 13 Decision.

On April 15, 2024, BNSF and UP responded to Part II of the February 13 Decision appendix. No other parties had Amtrak train delays attributed to them in Part II of the appendix.

On May 20, 2024, UP filed another request for an extension of time. UP states that it is continuing to work diligently, but the root cause analysis process takes substantial time. UP describes its mostly manual process of mining data, constructing stringline diagrams, collecting and reviewing train sheets, reviewing signal incident records, analyzing dispatching records, reviewing records of maintenance activity, and consulting with operational experts. (UP Request for Extension of Time, May 20, 2024.) UP “currently believes it can complete, or at least substantially complete, its root cause analyses of delays to Amtrak Train 1 by May 30.” (Id. at 4.) Nonetheless, UP states that it will be unable to complete the Part I root cause analyses by May 30 and requests a 55-day extension.

In the alternative, UP suggests that the Board consider hosting a technical conference to discuss potential modifications to the analyses that would allow an acceleration of the process. (Id. at 4-5.)

Good cause exists to grant some additional time to respond to Part I of the appendix to the February 13 Decision. UP's description of its lengthy process to assemble root cause narratives of Amtrak train delays is supported by UP's April 15, 2024 submission addressing Amtrak train delays listed in Part II of the appendix. The Board recognizes that UP's process has required significant time and expertise, as will systematic and consistent completion of the required delay explanations. Further, based on the already submitted root cause narratives from UP, the Board cannot identify any modifications that would allow an acceleration of the process of responding to the February 13 Decision. Accordingly, as related to the Train 2 delays only, UP's request for a 55-day extension, to July 24, 2024, will be granted. As UP, however, has indicated it has made significant progress on Train 1 delays, a five-day extension, to June 4, 2024, will be granted for root cause narratives related to Train 1.¹ These extensions will be extended to all of the applicable parties.

Additionally, as the parties have been ordered to submit to the Board the supporting data, documents, and other materials underlying their narrative explanations, the deadline for providing that material will also be extended, i.e., to August 8, 2024.

It is ordered:

1. UP's request for an extension of time is granted in part. The deadline for Amtrak, UP, BNSF, SCRRA, and CN to provide narrative explanations of the root causes of train delays for Train 1 listed in Part I of the appendix to the February 13 Decision, is extended to June 4, 2024. The deadline to provide narrative explanations of the root causes of train delays for Train 2 is extended to July 24, 2024.

2. Amtrak, UP, BNSF, SCRRA, and CN shall submit to the Board the supporting data, documents, and other materials underlying their narrative explanations discussed in the above ordering paragraphs by August 8, 2024.

3. This decision is effective on its service date.

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

¹ To the extent that any subsequent analyses of Train 2 delays impact any root cause narratives regarding Train 1, submitted earlier in complete form, UP may file amendments to its Train 1 narratives.