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

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

On February 13, 2024, the Surface Transportation Board (“Board”) issued a decision (“*February 13 Decision*”) ordering BNSF Railway Company (“BNSF”) and other parties to this proceeding to provide certain information by April 15, 2024.

On April 5, 2024, the Board issued a decision extending the deadline for BNSF and other parties to provide narrative explanations of the root causes of train delays listed in Part I of the appendix to the *February 13 Decision* to May 30, 2024. On April 15, 2024, BNSF provided all information requested by the *February 13 Decision*, except for the Part I delay explanations subject to the extended deadline. On May 24, 2024, the Board issued a decision further extending the deadline for BNSF and other parties to provide narrative explanations of the root causes of train delays for Train 1 to June 4, 2024, and for Train 2 to July 24, 2024. BNSF hereby provides the information regarding Train 1 through this Second Response to the *February 13 Decision*.

Pursuant to the Board’s order on May 24, 2024, BNSF will produce any supporting data, documents, and other material underlying the narrative explanations by August 8, 2024.

I. BNSF Process for Root Cause Analysis

To prepare a root-cause analysis of the delays selected by the Board, BNSF undertook a diligent review of the data and information that it has retained from those event dates. BNSF used the following process to review the selected delays and analyze their root causes:

Amtrak CITRIX and BNSF PTPT delay databases: BNSF reviewed the Amtrak conductor’s delay code, delay minutes, and comments from Amtrak’s

CITRIX and BNSF's PTPT application.¹ BNSF reviewed the departure, passing, and arrival times for the train in question at New Orleans, East Bridge, West Bridge Junction, Live Oak, and Iowa Junction. Delay comments found in the delay section and/or the train passing section of the Amtrak CITRIX data provided information that facilitated investigation of the contributing delay causes. The amount and quality of the information recorded by the Amtrak conductor varied widely. If there was very little information provided in the Amtrak delay notes, it was less likely that BNSF was able to identify the root cause of the delay.

Contractual performance status: Pursuant to BNSF's Operating Agreement with Amtrak, BNSF receives performance payments when Amtrak trains meet certain metrics. BNSF's contractual performance is measured between Iowa Junction and Live Oak. When an Amtrak train does not meet the metrics to obtain the performance payment, BNSF internally communicates the preliminary, high-level reason(s) for the contractual loss. BNSF reviewed the contractual performance of *Sunset Limited* trains that the Board selected for review. When available, BNSF reviewed the internal preliminary analysis of the causes of the contractual losses. This information is not available for all the delays, as the majority of the trains that the Board selected for review met the contractual metrics for the performance payment.

Engineering Capacity Plan (ECAP): BNSF reviewed capital improvement activity, major maintenance windows, and temporary speed restrictions for the relevant dates. These activities can cause congestion and temporary slow orders.

¹ BNSF explained its PTPT application in more detail in its December 5, 2023 Submission to the Board. *See* December 5, 2023 Submission, at 3-4. BNSF receives Amtrak delay data through an Electronic Data Interchange ("EDI"). That EDI data is then loaded into the PTPT application, which applies Amtrak/BNSF contractual terms to the data.

Service Interruption and Lifecycle Control (SILC/SIDOL): BNSF reviewed service interruptions logged by its chief dispatcher. Service interruptions can cause direct and indirect train delays. The SIDOL database includes information regarding trains holding on the Lafayette Subdivision.² BNSF investigated the number of trains holding on the BNSF Lafayette Subdivision using this database. Trains holding on the subdivision (regardless of the reason) will impact network fluidity and meet/pass capability. The number of trains holding on the subdivision is typically a good barometer of the subdivision's health. The Lafayette Subdivision is BNSF's only route into the New Orleans gateway and it is often subject to queuing and staging trains for interchange to eastern carriers when the New Orleans gateway becomes congested.

Signal Ticket Log: To investigate delays where the Amtrak delay report suggested a signal issue, BNSF reviewed its log of signal tickets. Signal tickets require a maintenance response for issues such as unexpected red signals, bridge, or grade crossing issues. These defects contribute to direct and indirect train delays. The majority of the BNSF Lafayette Subdivision is Track Warrant Control (TWC), Automatic Block Signals (ABS) territory. *See, infra*, Section III. In TWC-ABS territory—unlike in Centralized Traffic Control (CTC) territory—dispatchers only learn about potential signal issues by receiving alerts from passing trains.

Internal and External Delay Escalations: During this investigation, BNSF reviewed relevant email traffic regarding the selected *Sunset Limited* trains.

² See December 5, 2023 Submission, at 4 (“A companion tool, Service Interruption Dead on Line (‘SIDOL’), archives all service interruptions and relief crews required for hours of service relief driven by service interruptions. The SIDOL tool assists in determining a root cause for train delays, including in connection with the Amtrak Delay Analysis Lifecycle.”).

Staff Review: BNSF consulted with its regional staff to capture any personal knowledge regarding the selected delays or the status of the Lafayette Subdivision on the dates of the selected delays.

II. Correction of Host Railroad Designations & Root Cause Analysis for Corresponding Delays

The Board indicated that “[a]ny party that believes a correction needs to be made to data found in the Appendix should bring that to the Board’s attention in a filing.” *See February 13 Decision* at 3. As set forth below, BNSF requests that the Board correct the Amtrak delay entries for Train 1 listed in this Section. Each of these delays are reported to have occurred on a segment of the *Sunset Limited* route for which BNSF is **not**, in fact, the host railroad.

BNSF **is** the host railroad for the *Sunset Limited* route from Live Oak, La. (MP C14.95) to Iowa Junction, La. (MP C205.4).³ BNSF **is not** the host railroad for any segment of the *Sunset Limited* route to the east of Live Oak. This is consistent with Amtrak’s position in this proceeding. Amtrak indicated in its Complaint that UP is the host railroad for the segment between Live Oak and East Bridge Junction. Furthermore, Amtrak stated in a verified response to a BNSF interrogatory that “BNSF is not identified as the Host Railroad in Amtrak’s delay reporting database east of Live Oak.” *Amtrak Responses and Objections to First Set of Interrogatories from BNSF Railway Company*, Nov. 8, 2023, at 7.

Notwithstanding this response, Amtrak delay reports listed in Section II of this submission relating to the line segments east of Live Oak, list “BN” in the “Host RR” column.

³ *See Agreement Between Nat’l R.R. Passenger Corp. & Burlington N. R.R. Co. & Atchison, Topeka, & Santa Fe Ry. Co. (“BNSF Operating Agreement”)* (AMTRAK_STB_0014354 at AMTRAK_STB_0014453).

As described in more detail in BNSF’s September 25, 2023 submission, BNSF often accommodates the *Sunset Limited*, as a courtesy for Amtrak, on BNSF main line or yard track in and around Avondale Yard between Live Oak (MP C14.95) and West Bridge Junction (MP B10.5). BNSF owns, operates, and dispatches those Avondale Yard track segments, with an exception of a cross-over track between Avondale Yard and the BNSF Lafayette Subdivision that spans less than a mile (from MP C14.10 to MP C14.95). While BNSF has trackage between Live Oak and West Bridge Junction, this route is not ideal for accommodating passenger service. The UP route between Live Oak and West Bridge Junction runs on the former SP main line—the legacy route for the *Sunset Limited*—and avoids the congestion at Avondale Yard.

The STB has made it clear that “[t]he purpose of [this] investigation is to determine whether and to what extent delays or failures to achieve minimum standards are due to causes that could reasonably be addressed by the passenger rail operator or the **host railroad**.”⁴ Because, as Amtrak has confirmed, BNSF **is not** a host railroad for the segment of the *Sunset Limited* route from Live Oak to West Bridge Junction, BNSF requests that the Board correct the Amtrak delay report entries listed here in Section II and remove “BN” from the “Host RR” column.⁵

⁴ *Complaint & Pet. of the Nat’l R.R. Passenger Corp. Under 49 U.S.C. § 24308(f)—For Substandard Performance of Amtrak’s Sunset Limited Trains 1 and 2*, NOR 42175 (“*July 11 Decision*”), slip op. at 1 (STB served July 11, 2023) (emphasis added). The FRA’s metrics and minimum standards rule, which establishes the performance standard that triggered this investigation, defines the term “host railroad” as “a railroad that is directly accountable to Amtrak by agreement for Amtrak operations over a railroad line segment.” 49 C.F.R. § 273.3.

⁵ BNSF reserves the right to argue later in this proceeding that, under 49 U.S.C. § 24308(f), the STB cannot award damages or prescribe other relief against BNSF regarding Amtrak operations over track segments where BNSF is not the host railroad.

Nevertheless, BNSF understands that the scope of this investigation extends beyond contractual hosts to “all parties involved.” *July 11 Decision*, slip op. at 10. And BNSF has control over the BNSF tracks within Avondale Yard where BNSF accommodates *Sunset Limited* service, notwithstanding UP’s apparent host status for that portion of the *Sunset Limited* route. Therefore, in response to the Board’s request, BNSF provides here root-cause explanations, where possible, for the Amtrak delay reports for the Live Oak to West Bridge Junction segment of the *Sunset Limited* route where BNSF has been erroneously assigned as the host railroad.

However, BNSF’s ability to analyze Amtrak delays on this segment is limited because BNSF is not the host railroad for this segment. BNSF described its Amtrak Delay Analysis Lifecycle in its December 5, 2023 submission in this proceeding, including the BNSF PTPT. *See, supra*, Section I, n.1. Any Amtrak delay data for territory outside of BNSF’s contractual host limits are not processed through the PTPT, so BNSF was not able to rely on the PTPT data in order to provide root-cause explanations for *Sunset Limited* delays on the Live Oak to West Bridge Junction segment.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
1 ⁶	1	11/09/2021	XWB	XLL	BN	FTI	34	Cross over or go around BNSF 6694 on BN Main. Used BN 108 track 5mph speed and multiple switches lined, BN 6694 East, Control Point, CPL 010
2	1	4/03/2022	XWB	XLL	BN	FTI	21	Meet Freight train on BN main; our route 2-B 108 track, BN 8137 E, Other, Avondale BN yd
3	1	4/08/2022	XWB	XLL	BN	FTI	22	Meet BN 9052 E, Other, w yd sw Avondale
4	1	5/06/2022	XWB	XLL	BN	FTI	20	Meet Freight train on BN main; our route 2-C, 105 track, Other, Avondale BN yd, BN 4555 E
5	1	6/03/2022	XWB	XLL	BN	FTI	31	Meet Other, Avondale BN Yard, Freight train on BN main; our route 2-B, 108 track, BN 5838 E

⁶ BNSF has numbered the delays and refers to them in the narratives by the delay control number. Delay Nos. 22-23 were intentionally omitted from this Section. The rest of the information in the tables in Section II and Section III is from Part I of the Appendix in the *February 13 Decision*.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
6	1	6/28/2022	XWB	XLL	BN	FTI	19	Cross over or go around BNSF 6243 blocking main, run 2c, TRK 105 from cpl010-xxl, lining switch, Other, main track avondale yard, bnsf 6243, bnsf 6243
7	1	9/02/2022	XWB	XLL	BN	FTI	16	Meet Freight train on BN main; our route 2-C; 105 track, BN 8278 E, Other, BN Avondale yd
8	1	9/20/2022	XWB	XLL	BN	FTI	4	Meet Freight train clearing in BN Avondale yd, BN 4341 E, Control Point, RCPS 124

BNSF requests that the Board correct Delay Nos. 1-8 to remove “BN” from the “Host RR” column because BNSF is not the host for this segment.

Delays 1-8 appear to have occurred because of activity in Avondale Yard and because the Amtrak skeleton schedule does not provide enough pure run time for the *Sunset Limited* train to travel between Live Oak and West Bridge Junction on the BNSF route. Because BNSF is not the host of the *Sunset Limited* route to the east of Live Oak, BNSF did not certify the *Sunset Limited* schedule for any BNSF routing east of Live Oak.

BNSF understands that any minute exceeding the scheduled pure run time for a segment of Amtrak’s skeleton schedule will trigger a delay reporting event. Amtrak’s skeleton schedule allows for only **seven minutes** of pure run time between West Bridge Junction and Live Oak. But BNSF estimates that it would take more than **12 minutes** (five minutes more than Amtrak’s skeleton schedule), in a perfect scenario using BNSF main line track through the Avondale Yard, for the *Sunset Limited* train to travel between Live Oak and West Bridge Junction on

the BNSF route. Therefore, even in a perfect scenario where Amtrak runs through Avondale Yard unimpeded using BNSF's main line track, Amtrak's conductor would likely log at least **five minutes** of delay.

Furthermore, BNSF's main line track through Avondale Yard can often be blocked by freight trains that use the Yard for crew changes and interchange deliveries. BNSF freight trains often queue in Avondale Yard because of congestion in New Orleans, including waiting for BNSF's interchange partners in New Orleans to be able to accept the BNSF train. If a *Sunset Limited* train is routed through Avondale Yard and the main line is occupied by a BNSF freight train, BNSF will either try to find capacity on yard tracks to clear the main line for the *Sunset Limited* train, or clear an alternative yard track to allow Amtrak to travel through Avondale Yard. These alternative yard tracks have a reduced speed limit of 10 mph.

As a result, the westbound *Sunset Limited* trains that traversed the Live Oak to West Bridge Junction segment on the BNSF route during the Relevant Period had a median run time of **21 minutes** and an average run time of **23 minutes**.

Based on these circumstances, Delay Nos. 1-8 appear to have occurred because the Amtrak skeleton schedule does not provide enough pure run time for the *Sunset Limited* train to travel between Live Oak and West Bridge Junction on the BNSF route, and because of activity and congestion in the Avondale Yard.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
9	1	4/08/2022	XWB	XLL	BN	RTE	5	Line manual or spring switch Other, w yd sw Avondale
10	1	5/20/2022	XWB	XLL	BN	RTW	7	Line manual or spring switch Other, w yd sw Avondale
11	1	7/12/2022	XWB	XLL	BN	RTE	6	Line manual or spring switch Other, w yd sw Avondale

BNSF requests that the Board correct Delay Nos. 9-11 to remove “BN” from the “Host RR” column because BNSF is not the host for this segment.

Delay Nos. 9-11 appear to have occurred because the Amtrak skeleton schedule does not provide enough pure run time for the *Sunset Limited* train to travel between Live Oak and West Bridge Junction on the BNSF route, and because the Amtrak crew had to manually line a switch while traversing the BNSF segment between Live Oak and West Bridge. Since this segment is non-signalized TWC, all but one switch is manually operated. (See BNSF Red River Division Timetable, Lafayette Subdivision, Section 3 Table – Type of Operation reference MP10.2 to MP14.3 at BNSF-SUNSET-0002316.) In TWC territory, trains may need to stop and have their crew manually line switches for continued movement.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
12	1	3/11/2022	XWB	XLL	BN	DCS	11	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XSU
13	1	3/18/2022	XWB	XLL	BN	DCS	12	Restricting signal Restricted speed on BN main, Milepost w/Letters, XWB, XLL
14	1	4/08/2022	XWB	XLL	BN	DCS	7	Restricting signal Restricted speed on BN main, Milepost w/Letters, XWB, XLL
15	1	5/01/2022	XWB	XLL	BN	DCS	6	Restrictive signal(s) from known wayside signal failure Restricting West bound from Mp 10.2 to Mp 14.8, Restricting, Milepost, 10.2, 14.8
16	1	5/20/2022	XWB	XLL	BN	DCS	7	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XLL
17	1	7/12/2022	XWB	XLL	BN	DCS	9	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XLL
18	1	7/26/2022	XWB	XLL	BN	DCS	10	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Other, Avondale BN mn

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
19	1	9/20/2022	XWB	XLL	BN	DCS	8	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XLL
20	1	9/25/2022	XWB	XLL	BN	DCS	10	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XLL
21	1	4/24/2022	XWB	XLL	BN	DCS	9	Restrictive signal(s) from known wayside signal failure Restricted speed on BN main, Restricting, Milepost w/Letters, XWB, XEB

BNSF requests that the Board correct Delay Nos. 12-21 to remove “BN” from the “Host RR” column because BNSF is not the host for this segment.

For Delay Nos. 12 and 21, Amtrak listed the delays as between XWB (West Bridge Junction) and XLL (Live Oak), but the narrative Delay Reason fields indicate that the delays occurred outside of these limits. BNSF requests that these delay narratives be moved to the proper segments with the corresponding host railroad.

Delay Nos. 12-21 all reference restrictive signals on the BNSF segment through Avondale Yard, which runs between the Live Oak and West Bridge Junction control points. Union Pacific controls the signals and switches at those control points. Therefore, trains must comply with Union Pacific rules, timetable, and special instructions on the BNSF segment through Avondale Yard. BNSF understands that, when a train is routed towards the BNSF segment at West Bridge Junction or Live Oak, the “best” or most favorable signal a train can receive is a “restricting” signal.⁷ Furthermore, Delay No. 12 and Delay Nos. 15-21 reference “known wayside

⁷ A restricting signal on Union Pacific (at West Bridge Junction or Live Oak) requires trains to operate at restricted speed (*see* Union Pacific System Special Instructions dated May 5, 2021 page 187 rule 9.2.13 – Restricting at UP-SL-

signal failure.” Because BNSF does not control these signals, BNSF cannot confirm these reports or determine the cause of the purported signal failure.

Therefore, it appears that Delay Nos. 12-21 occurred because the Amtrak skeleton schedule does not provide enough pure run time for the *Sunset Limited* train to travel between Live Oak and West Bridge Junction on the BNSF route, and because of the signaling issues discussed above.

0009016_C). Union Pacific’s General Code of Operating Rules state in part “when required to move at restricted speed, movement must be made at a speed that allows stopping within half the range of vision short of train, engine, railroad car, men or equipment fouling the track, stop signal, or derail or switch improperly lined (see Union Pacific General Code of Operating Rules effective April 1, 2020 section 6.27 at UP-SL-001153_HC-UP-SL-001154_HC).

III. Root Cause Analysis for Delays Occurring on BNSF-Hosted Segments

This Section contains BNSF’s narrative explanations of the root causes of the “Select Host-Responsible Delays on a Run-by-Run Basis” for Train 1 listed in Part I of the Appendix to the *February 13 Decision*, where the “Host RR” was identified as “BN” and BNSF does not seek to correct that designation.

Each separate narrative begins with a table identifying the delay(s) in question based on the table provided in Part I of the Appendix to the *February 13 Decision* and the workboard titled, “Dec. ID# 52048 Docket No. 42175 Director of OPR Order – Appendix Part I and Part II.xlsx,” which includes Amtrak’s stated “Delay Reason.”

Because the BNSF Lafayette Subdivision is Track Warrant Control (TWC), Automatic Block Signals (ABS) territory, a dispatcher provides verbal authorization for all train movements on a specific segment of main line track for a specific period of time. Unlike in Centralized Traffic Control (CTC) territory, TWC-ABS territory does not provide a centralized dispatching office with real-time train locations or powered remote-control switch capability. Instead, many of the passing sidings on the Lafayette Subdivision are equipped with spring switches. Spring switches minimize, but do not eliminate, the necessity for trains to stop and manually line switches for routing adjustments. This is a routine operating procedure in a TWC-ABS territory.

A train leaving a siding with spring switches will “trail” through a switch, allowing the train to leave the siding without stopping to line the switch by hand. After the train clears, the switch will automatically “spring” back to the normal main-to-main routing, thus “closing” the switch. In certain scenarios, a train crew may have to manually line a switch in TWC-ABS territory. For example, a train approaching a siding with spring switches will have to stop and have its crew manually line the switch to enter the siding from the main line. This “opens” the

switch for the “facing point” movement, allowing the train to pull into the siding. In another example, a train traveling on the main line approaching either the beginning or end of a siding may have to stop for its crew to manually “restore” a spring switch to normal because the switch was previously “lined reverse” or “open.”

Amtrak’s conductors often log these ordinary occurrences as “RTE,” meaning routing delays. But they are often necessary to allow an Amtrak train to meet/pass or overtake freight trains across the Lafayette Subdivision because the territory is equipped with TWC-ABS.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
24	1	11/09/2021	SCH	NIB	BN	RTE	5	Line manual or spring switch Siding, ESS Bayou Sale

Delay No. 24 appears to have occurred because the Amtrak crew had to line a switch. The westbound Amtrak train overtook a westbound BNSF freight train (H NWOLAL4 08 (BNSF 7342)) at the Bayou Sale Siding. The Amtrak crew lined the switch so that it could proceed.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
25	1	3/08/2022	XLL	SCH	BN	FTI	82	Meet bnsf 7704, Control Point, west raceland
26	1	3/08/2022	XLL	SCH	BN	FTI	25	Meet ns 4665, Siding, wss salix
27	1	3/08/2022	LFT	XIJ	BN	DCS	4	Approach medium mp 175 to stop at 180.3, rest speed to no 182.94 Milepost, 175, 182.94

The BNSF Lafayette Subdivision was congested on this day (March 9, 2022). There were six freight trains holding on the subdivision, including two destined for interchange partners in New Orleans. Trains holding on the subdivision can limit the number of locations available for Amtrak to meet and pass freight trains and result in network delays. Delay Nos. 25-26 appear to have occurred due to congestion on the Lafayette Subdivision. Additionally, a capital maintenance crew was working on the subdivision near Schriever.

Delay No. 25 appears to have also occurred because BNSF held the Amtrak train at Raceland to clear a BNSF freight train ahead. BNSF held the Amtrak train because BNSF had limited relief crews at Lafayette and several freight trains were nearing their hours-of-service limits. In addition to the trains holding on the territory, BNSF directed another freight train (HLALNSI108) into an oil spur off the main line to open the route for this Amtrak train. These dispatching decisions allowed BNSF to maximize fluidity and service on the network when the railroad had significant crew constraints.

After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 27.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
28	1	3/11/2022	SCH	NIB	BN	DMW	0	Waiting for MW clearance Foreman Frakes Gang UC03, Milepost, 55.0, 56.0

Amtrak recorded zero delay minutes for Delay No. 28. BNSF has not analyzed the cause of Delay No. 28 or why Amtrak recorded a delay.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
29	1	4/03/2022	XLL	SCH	BN	FTI	30	Meet BN 4619 E, Siding, Salix
30	1	4/03/2022	XLL	SCH	BN	DCS	43	Restrictive signal(s) from unknown cause No bridge tender on duty so inspected Des Allemands DB, Stop 2x, Restricting 5x, Clear, Milepost, 20.3, 33.5
31	1	4/03/2022	SCH	NIB	BN	DCS	60	Restrictive signal(s) from unknown cause Inspected west Baldwin switch for gap NDF, Approach 3x, Stop 2x, Restricting 3x, Clear, Milepost, 102.3, 119.9

The BNSF Lafayette Subdivision was congested on this day (April 4, 2022). There were eight freight trains holding on the territory, including two destined for interchange partners in New Orleans. Trains holding on the subdivision can limit the number of locations available for Amtrak to meet and pass freight trains. Delay No. 29 appears to have occurred due to congestion on the Lafayette Subdivision.

Delay No. 30 appears to have occurred because the westbound Amtrak train received a restrictive signal to wait for the Des Allemands Drawbridge to be reset. The signal ticket indicates that BNSF “had to reset east Conley.” A “Conley” is the rail joint device that provides for movement over the gap between fixed and movable bridge spans and allows movable bridges to open and close. This rail joint device is monitored for alignment and position by the signal system.

After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 31.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
32	1	4/08/2022	SCH	NIB	BN	DMW	0	Waiting for MW clearance Foreman Ramirez Gang 007, Milepost, 114.2, 116.5
33	1	4/08/2022	SCH	NIB	BN	RTE	7	Line manual or spring switch Siding, wss SCH
34	1	4/08/2022	XLL	SCH	BN	FTI	10	Meet Freight train on BN main, BN 3677 E, Siding, Raceland
35	1	4/08/2022	XLL	SCH	BN	RTE	7	Line manual or spring switch Siding, ess Raceland
36	1	4/08/2022	XLL	SCH	BN	DCS	7	Restrictive signal(s) from known wayside signal failure wss SCH not lined for main, Approach medium, Approach, Restricting, Milepost w/Letters, 49.6, SCH station

The BNSF Lafayette Subdivision was congested on this day (April 9, 2022). There were five trains holding on the territory, including two that were destined for interchange partners in New Orleans. Trains holding on the subdivision can limit the number of locations available for Amtrak to meet and pass freight trains. Delay No. 34 appears to have occurred due to congestion on the Lafayette Subdivision.

Delay No. 35 appears to have occurred because the Amtrak crew had to line a switch. There was a head-on meet between a westbound Amtrak train and an eastbound BNSF freight train (BNSF 3677) at the Raceland Siding. The Amtrak crew lined the switch so that it could proceed. Additionally, Delay No. 33 appears to have occurred because the Amtrak crew had to line a switch at the west end of the Schriever siding.

After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 36.

Amtrak recorded one delay event, Delay No. 32, for which no delay minutes were recorded. BNSF has not analyzed the cause of Delay No. 32 or why Amtrak recorded a delay.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
37	1	4/24/2022	XLL	SCH	BN	DCS	7	Restrictive signal(s) from unknown cause Des Allemands DB having signal issues, Approach, Restricting, Clear, Milepost, 30.1, 33.5

Delay No. 37 appears to have occurred because the westbound Amtrak train received a restrictive signal. The train received a restrictive signal because a proximity sensor at the Des Allemands Drawbridge needed to be repaired. These sensors magnetically detect whether the moving components of the bridge are fully engaged prior to allowing a permissive signal for traffic to pass over the bridge.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
38	1	5/01/2022	SCH	SCH	BN	FTI	63	Meet BNSF 5038 EAST, Siding, Schriever
39	1	5/01/2022	SCH	NIB	BN	RTE	4	Line manual or spring switch Test Spring Switch lined and Locked for normal position., Siding, ESS New Iberia
40	1	5/01/2022	SCH	NIB	BN	FTI	115	Follow BNSF 4013 WEST, Milepost, 87.1, 125.5
41	1	5/01/2022	NIB	LFT	BN	FTI	19	Follow BNSF 4013 WEST, Milepost, 125.6, 134.1

The BNSF Lafayette Subdivision was congested on this day (May 2, 2022). There were five trains holding on the territory, including three destined for interchange partners in New Orleans. Trains holding on the subdivision can limit the number of locations available for Amtrak to meet and pass freight trains. Delay Nos. 38, 40, and 41 appear to have occurred due to congestion on the Lafayette Subdivision.

Delay No. 38 appears to have occurred because the westbound Amtrak train waited at Schriever to meet an eastbound BNSF freight train (H LSSCSX4 25). That freight train had been delayed at the Berwick Bay Bridge (a vertical lift bridge) because the bridge was raised to allow boat traffic to pass under the bridge.

Delay No. 39 appears to have occurred at the east end of the New Iberia siding because Amtrak had to line a switch.

Finally, Delay Nos. 40 and 41 appear to have occurred because the westbound Amtrak train followed a westbound BNSF freight train until it could overtake the freight train at the Cade Siding. Freight trains destined for interchange partners in New Orleans were already located in both the Bayou Sale Siding and the Baldwin Siding. As a result, Amtrak could not perform an overtake move at those locations. Amtrak could not perform an overtake move at the New Iberia siding because that siding was closed from April 2, 2022 to August 6, 2022 for Louisiana Delta Railroad to perform yard operations and interchange from UP at Avondale.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
42	1	5/20/2022	XLL	SCH	BN	FTI	10	Meet BN 7997 E, Siding, Salix

The BNSF Lafayette Subdivision was congested on this day (May 21, 2022). There were three trains holding on the territory, each of which was destined for interchange partners in New Orleans. Trains holding on the subdivision can limit the number of locations available for Amtrak to meet and pass freight trains. Delay No. 42 appears to have occurred due to congestion on the Lafayette Subdivision.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
43	1	6/03/2022	LFT	XIJ	BN	DCS	3	Restrictive signal(s) from unknown cause Approach, Stop, Milepost w/Letters, E Lacassine, Lacassine
44	1	6/03/2022	LFT	XIJ	BN	RTE	10	Line manual or spring switch Siding, WSS Roanoke

Delay No. 44 appears to have occurred at the west end of the Roanoke siding because Amtrak had to line a switch.

After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 43.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
45	1	6/28/2022	SCH	NIB	BN	RTE	8	Line manual or spring switch Control Point, ess bayou sale

Delay No. 45 appears to have occurred at the east end of the Bayou Sale siding because Amtrak had to line a switch.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
46	1	7/26/2022	SCH	NIB	BN	FTI	2	Meet BN 7347 E, Siding, wss Berwick
47	1	7/26/2022	LFT	XIJ	BN	FTI	19	Meet Other, w yd sw LFT yd, Freight train encountered signal problems west of LFT, BN 3861 E

Delay No. 47 appears to have occurred because an earlier signal issue delayed the eastbound BNSF freight train. This caused a cascading delay to the meet and pass for the westbound Amtrak train and the eastbound BNSF freight train.

After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 46.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
48	1	9/20/2022	XLL	SCH	BN	FTI	9	Lined switch behind freight train BN 6403 W, Siding, ess Raceland
49	1	9/20/2022	LFT	XIJ	BN	DCS	21	Restrictive signal(s) from unknown cause Delay: 1549-1619, Approach medium, Approach, Stop 2x, Restricting, Clear, Milepost, 170.3, 182.5

Delay No. 48 appears to have occurred because the Amtrak crew had to line a switch. The westbound Amtrak train overtook a westbound BNSF freight train (BNSF 6403) at the Raceland Siding. The Amtrak crew lined the switch so that it could proceed.

Delay No. 49 appears to have occurred because the Amtrak train then received a restrictive signal at MP C180.3. The Amtrak train received a restrictive signal because BNSF had to replace a proximity sensor on the bridge. These sensors magnetically detect whether the moving components of the bridge are fully engaged prior to allowing a permissive signal for traffic to pass over the bridge.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
50	1	9/23/2022	XLL	SCH	BN	DCS	71	Restrictive signals mp 16.9 to a clear at 33.5. Approach at 16.9 to a clear at 33.5. Also including stop at west Salix, check switch. Didn't clear up, restrictive signals to 33.5., Milepost, 16.9, 33.5

Delay No. 50 appears to have occurred because the Amtrak train experienced restrictive signals as it traveled westbound. The train then received a red restrictive signal at MP C20.3 because BNSF had to replace a wire in the proximity sensor on the bridge. These sensors magnetically detect whether the moving components of the bridge are fully engaged prior to allowing a permissive signal for traffic to pass over the bridge.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
51	1	9/25/2022	LFT	XIJ	BN	DCS	40	Restrictive signal(s) from unknown cause Checked the switch at wss Crowley NDF and checked for applied derails at the UP interlocker NDF. Delay: 1425-1527, Approach medium, Approach 2x, Restricting 3x, Stop 2x, Clear, Milepost, 159.4, 175.1

Delay No. 51 appears to have occurred because the Amtrak train received a restrictive signal to allow BNSF to adjust a switch at Crowley.

Respectfully submitted,

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Dated: June 4, 2024

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

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 Second Response to the Board's February 13, 2024 Decision ("Second Response")**. While I do not have personal knowledge of all of the facts recited therein, I have been informed that the Second 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 Second Response.

I reserve the right to make any changes to the Second 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 Second 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 June 4, 2024, in Fort Worth, Texas.

/s/ James Tylick
James Tylick

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Second 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

June 4, 2024