

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: June 13, 2024

On February 13, 2024, the Acting Director of the Office of Passenger Rail issued a decision directing Union Pacific Railroad Company (UP) and four other railroads 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). The Board extended the deadlines for the narrative explanations twice in response to requests by UP. Most recently, UP requested a 55-day extension for the delays set forth in Part I of the Appendix to the February 13 Decision. In its request for more time, UP stated that it “currently believes it can complete, or at least substantially complete, its root cause analyses of delays to Amtrak Train 1 by May 30.” (UP Request for Extension of Time 4, May 20, 2024.) Based on UP’s statement, the Board granted UP’s 55-day extension request with regard to the Train 2 delay narratives but only a six-day extension with regard to the Train 1 delay narratives.

On June 4, 2024, the deadline for filing the Train 1 delay narratives, UP filed narratives for 16 of the 20 Train 1 runs set forth in Part I of the Appendix to the February 13 Decision. UP stated that it would submit narratives for the remaining four Train 1 runs on a “rolling basis.”

Despite the deadline for the narratives already having passed, UP has provided no estimate for when it will file the remaining narratives. In the interest of accountability and to ensure the investigation is progressing, UP will be ordered to submit estimates of when it will submit each of the four remaining runs for Train 1. If UP subsequently finds it cannot meet any of those dates, it will submit a status report with an estimate update and the reason for the delay. This requirement does not shield UP from any repercussions that the Board may choose to impose.

Lastly, the Board appointed an investigative liaison to work with the parties under investigation. UP should have contacted the investigative liaison ahead of filing its incomplete narratives. In the future, the Board expects UP and all other parties to this investigation to advise the liaison regarding such procedural or technical compliance issues.

It is ordered:

1. UP shall file estimates of when it will file each of the remaining delay narratives for Train 1 of the *Sunset Limited* by June 18, 2024.
2. If UP cannot meet the dates provided under ordering paragraph 1, it shall immediately inform the investigative liaison and submit a status report with revised estimates.
3. This decision is effective on its service date.

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