

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

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

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Dated: July 24, 2024

BNSF’S THIRD 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. On June 4, 2024, BNSF submitted its Second Response to the *February 13 Decision* (“Second Response”), which provided narrative explanations of the root causes of train delays for Train 1. BNSF hereby provides the information regarding Train 2 through this Third 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

BNSF explained in its Second Response the process for preparing a root-cause analysis of the delays selected by the Board.¹ BNSF undertook the same process explained therein to prepare a root-cause analysis of the Train 2 delays selected by the Board.

¹ See June 4, 2024 Submission, at 1-4.

As a summary of that process, BNSF reviewed the Amtrak CITRIX and BNSF PTPT delay databases to determine the departure, passing, and arrival times for the train in question, as well as any delay comments found in the Amtrak CITRIX data to inform its delay narratives. Additionally, BNSF reviewed the contractual performance of *Sunset Limited* Train 2, which provided an internal analysis of the causes of any contractual losses during the Relevant Period. BNSF also reviewed the Engineering Capacity Plan for the relevant dates, which included information on temporary speed restrictions, maintenance windows, and any capital improvement activity that may contribute to congestion on the route. To analyze any delays which suggested congestion on the Lafayette Subdivision, BNSF reviewed its SIDOL database to determine the number of trains holding on the Lafayette Subdivision for a particular date and any service interruptions logged by the chief dispatcher. To investigate delays related to a signal issue, BNSF reviewed its log of signal tickets. BNSF also consulted with regional staff and reviewed internal correspondence regarding the selected *Sunset Limited* trains to collect any firsthand knowledge of those 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 listed in this Section for Train 2. Each of these delays are reported to have occurred on a segment of the 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).² BNSF **is not** the host railroad for any segment of the *Sunset Limited* route to the west of Iowa Junction—Union Pacific is the host railroad for that segment. This is indicated on the skeleton schedule for Train 2 of the *Sunset Limited* service.³ Notwithstanding this, Amtrak delay reports listed in this Section relate to the line segments west of Iowa Junction and list “BN” in the “Host RR” column.

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 BNSF **is not** a host railroad for the segment of the *Sunset Limited* route west of Iowa Junction, BNSF requests that the Board correct the Amtrak delay report entries listed in this Section and remove “BN” from the “Host RR” column.⁵

² 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).

³ Schedule Skeleton *Sunset Limited* Train 2, *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 (“*Complaint*”), at 68 (Amtrak served Dec. 8, 2022).

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.

As discussed in BNSF's Second Response, BNSF understands that the scope of this investigation extends further than just contractual hosts to "all parties involved." *July 11 Decision*, slip op. at 10. The delays listed below differ from those delays listed in Section II of BNSF's Second Response. Unlike the tracks in Avondale Yard from Live Oak to West Bridge Junction—where Amtrak at times runs over BNSF track⁶—BNSF has only a limited role in the movement west of Iowa Junction. As a result, BNSF is extremely limited in its ability to provide root-cause explanations for the Amtrak delay reports for any segment west of Iowa Junction where BNSF has been erroneously assigned as the host railroad.

⁶ As outlined in BNSF's Second Response, UP is the host railroad for Amtrak between Live Oak (MP C14.95) and West Bridge Junction (MP B10.5) and is responsible for dispatching over that segment. *See* Second Response, at 5. Unlike trackage west of Iowa Junction, however, BNSF often accommodates the *Sunset Limited* on its tracks in and around Avondale Yard as a courtesy to Amtrak. *Id.* As a result, BNSF does have access to some data regarding *Sunset Limited* delays when that service is routed over its tracks in Avondale Yard.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
22 ⁷	2	4/03/2022	LCH	XIJ	BN	FTI	59	Meet BN 7270 W, Siding, Iowa
23	2	9/25/2022	LCH	XIJ	BN	FTI	20	Meet Siding, Iowa, NS 4379 W

Delay Nos. 22-23 are from the Lake Charles, Louisiana to Iowa Junction, Louisiana segment on the skeleton schedule for the *Sunset Limited* service. As indicated on that schedule, Union Pacific is the host railroad for this segment, not BNSF. Accordingly, BNSF requests that the Board correct Delay Nos. 22-23 to remove “BN” from the “Host RR” column.

As outlined above, BNSF has a limited role and does not control dispatching functions west of Iowa Junction. BNSF, therefore, is limited in its ability to determine the root cause for delays west of that station. Delay No. 22 appears to have occurred because the eastbound Amtrak train waited at the siding at Iowa, located west of Iowa Junction, to meet a westbound BNSF freight train with BNSF engine 7270, train H LALSSB1-05. After a reasonable search, BNSF did not identify information from which it could make a conclusion about a root cause of Delay No. 23, as this delay also occurred west of Iowa Junction, where BNSF does not have dispatching functions.

⁷ BNSF has numbered the delays and refers to them in the narratives by the delay control number. 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*. The delays listed in Section III appear numerically in order after the delay entries reflected in Section III of BNSF’s Second Response.

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" listed in Part I of the Appendix to the *February 13 Decision* for Train 2, 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."

As explained in more detail in BNSF's Second Response at 14, BNSF Lafayette Subdivision is Track Warrant Control (TWC), Automatic Block Signals (ABS) territory. This type of rail territory is equipped with spring switches. Trains must stop and manually line spring switches in order to make routing adjustments. This is a routine operating procedure in a TWC-ABS territory.

Amtrak's conductors often log these ordinary occurrences as "RTE," meaning routing delays. As stated in BNSF's Second Response at 15, these procedures are often necessary to allow an Amtrak train to meet/pass or overtake freight trains across the Lafayette Subdivision.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
52	2	4/15/2022	XIJ	LFT	BN	FTI	43	Meet Pulled in behind BN 7231 E to meet freight train then backed out., BN 6159 W, Siding, Crowley
53	2	4/15/2022	XIJ	LFT	BN	DCS	8	Restrictive signal(s) from unknown cause Restricting, Clear, Siding, Crowley
54	2	4/15/2022	NIB	SCH	BN	RTE	7	Line manual or spring switch Siding, wss SCH

The BNSF Lafayette Subdivision was congested on this day (April 17, 2022). There were six 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 No. 52 appears to have occurred due to congestion on the Lafayette Subdivision. A westbound BNSF freight train (H LALDYT1 17) was tied down on the main line waiting for a relief crew. That train remained on the main line because the siding at Crowley was occupied by an eastbound BNSF freight train (H DYTLAL1 16). The eastbound Amtrak train experienced a delay due to a meet with H LALDYT1 17 at the Crowley Siding. To allow H LALDYT1 17 to run through the main line, the eastbound Amtrak train was placed in the siding at Crowley behind eastbound HDYTLAL1 16. Once H LALDYT1 17 passed, the Amtrak train then shoved out of the siding and continued eastbound on the main line, ahead of HDYTLAL1 16.

Delay No. 54 appears to have occurred at the west end of the Schriever siding because the Amtrak crew 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. 53.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
55	2	5/11/2022	XIJ	LFT	BN	FTI	125	Meet Put in track 11 in Lacassinne yard to meet BNSF 7292 W and clear E Lacassinne, BNSF 7292 W, Other, Lacassine

Delay No. 55 appears to have occurred because a BNSF freight train (H LALSSB1 13 (BNSF 7292)) was stopped by a dragging equipment detector at MP C194.4. These detectors are integrated along tracks and monitor equipment health of passing trains. When the dragging equipment technology is triggered, a sensor on the detector generates an alarm notifying the train crew of an object dragging from passing trains or other potential issues. In this delay instance, the freight train subsequently stopped, inspected the issue, found a dragging cap on a rail car, and resecured the device, thus resolving the issue. The Amtrak train was stopped at Lacassine Yard to wait for the freight train to clear the line.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
56	2	5/25/2022	SCH	XLL	BN	FTI	72	Meet BNSF 5155 W, Siding, Schriever

The BNSF Lafayette Subdivision was congested on this day (May 28, 2022). There were four 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. 56 appears to have occurred due to congestion on the Lafayette Subdivision.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
57	2	6/03/2022	NIB	SCH	BN	FTI	30	Meet Delay: 0600-0636, Siding, ESS Bayou Sale, BN 6636 W

The BNSF Lafayette Subdivision was congested on this day (June 6, 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 No. 57 appears to have occurred due to congestion on the Lafayette Subdivision.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
58	2	6/22/2022	XIJ	LFT	BN	FTI	57	Meet BNSF 7902 west, Siding, Roanoke

The BNSF Lafayette Subdivision was congested on this day (June 24, 2022). There were six 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. 58 appears to have occurred due to congestion on the Lafayette Subdivision.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
59	2	8/03/2022	LFT	NIB	BN	FTI	45	Meet Back in siding at Ess cade after BNSF 8136 west, continue east from ess cade, bnsf 8136 west, Siding, ess cade

Delay No. 59 appears to have occurred because the eastbound Amtrak train had to complete a meet with a westbound BNSF freight train at the Cade Siding. There was already another BNSF freight train in the Cade Siding, at the west end of that siding. To accomplish the meet with the first BNSF train, the Amtrak train passed the west siding switch at Cade and backed into the east end of that siding. Amtrak could not have continued on the main line and pulled into the New Iberia siding because that siding was closed from April 8, 2022 to April 23, 2023 for Louisiana Delta Railroad to perform yard operations and interchange from UP at Avondale. The next siding east of New Iberia is Baldwin, which was occupied by a train holding for interchange partner. The next available siding east of Baldwin is located approximately 35 miles from the Cade siding. As a result, Amtrak backed into the east end of the Cade siding to complete the meet.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
60	2	8/07/2022	XIJ	LFT	BN	FTI	49	Meet bnsf 7033 west, Other, east 902 switch lft yard

Delay No. 60 does not concern a train that was carrying passengers. Amtrak's delay report from this day (August 9, 2022) reflects that the train was cancelled from San Antonio to New Orleans. That report states that local buses carrying passengers departed the Houston area at 6:30 pm and express buses departed at 7:30 pm. As a result, Amtrak was moving equipment without passengers. BNSF did not investigate a root cause for Delay No. 60 because this Amtrak train did not carry any passengers and, therefore, was not subject to the OTP requirements. Additionally, Amtrak did not capture any "passing times" in its CITRIX platform that would allow BNSF to further investigate this delay instance.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
61	2	8/10/2022	XIJ	LFT	BN	RTE	7	Line manual or spring switch Facing-point spring switch 1/4" gap, Other, w yd sw LFT yd
62	2	8/10/2022	XIJ	LFT	BN	FTI	30	Blocked on main track Freight train on BN main, shoved from main into LFT BN yd to clear a route for us. Delay: 2324-2354, BN 7321 E, Other, LFT BN yd
63	2	8/10/2022	NIB	SCH	BN	RTE	7	Line manual or spring switch Siding, wss SCH

The BNSF Lafayette Subdivision was congested on August 12, 2022. There were three 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. 62 appears to have occurred due to congestion on the Lafayette Subdivision.

Delay No. 61 appears to have occurred because the switch at the Lafayette Yard sidetrack was not operating as intended. The Amtrak crew had to manually line the switch.

Delay No. 63 appears to have occurred at the west end of the Schriever siding because the Amtrak crew had to line a switch.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
64	2	9/09/2022	XIJ	LFT	BN	FTI	18	Meet bnsf 4107 west, Other, east lft yard

Delay No. 64 appears to have occurred because the eastbound Amtrak train was delayed for a head-on meet with a westbound BNSF freight train (BNSF 4107).

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
65	2	9/21/2022	XIJ	LFT	BN	FTI	7	Lined switch behind freight train BN 7522 E, Siding, wss Crowley
66	2	9/21/2022	SCH	XLL	BN	DCS	19	Restrictive signal(s) from unknown cause Inspected Bayou Des Allemands DB. Delay: 0139-0158, Approach medium, Approach, Stop, Clear, Milepost, 35.8, 30.0

Delay No. 65 appears to have occurred because the Amtrak crew had to line a switch. The eastbound Amtrak train overtook an eastbound BNSF freight train (BNSF 7222) at the Crowley Siding. The Amtrak crew lined the switch so that it could proceed. This delay is more accurately described as routing (“RTE”) than FTI.

Delay No. 66 appears to have occurred because the eastbound Amtrak train received a restrictive signal at MP C32.1. This signal occurred because BNSF had to adjust or 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
67	2	9/25/2022	XIJ	LFT	BN	FTI	13	Follow Freight train clearing in BN LFT yd Delay: 1130-1143, Milepost, 152.2, 148.2, BN 8063 E
68	2	9/25/2022	XIJ	LFT	BN	FTI	14	Meet Delay: 2220-2234, Control Point, CTC E Lacassine, BN 4702 W
69	2	9/25/2022	SCH	XLL	BN	FTI	9	Lined switch behind freight train Delay: 0152-0201, BN 5854 W, Siding, ess Raceland

Delay No. 68 appears to have occurred because the eastbound Amtrak train was delayed for a head-on meet with a westbound BNSF freight train (BNSF 5854) at East Lacassine.

Delay No. 67 appears to have occurred because the eastbound Amtrak train overtook an eastbound BNSF freight train (BNSF 8063) at the Lafayette Yard.

Additionally, Delay No. 69 appears to have occurred because the Amtrak crew had to line a switch at the east end of the Raceland siding. This delay is more accurately described as routing ("RTE") than FTI.

BNSF Control #	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
70	2	10/26/2022	NIB	SCH	BN	RTE	11	Line manual or spring switch Line e SS, Siding, bayou sale
71	2	10/26/2022	NIB	SCH	BN	DCS	4	Restrictive signal(s) from unknown cause Bridge lined and locked. Restricted speed., Stop, Bridge, Berwick

Delay No. 70 appears to have occurred at the east end of the Bayou Sale siding because Amtrak crew 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. 71.

Respectfully submitted,

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Dated: July 24, 2024

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

I reserve the right to make any changes to the 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 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 July 24, 2024, in Fort Worth, Texas.

/s/ James Tylick
James Tylick

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Third 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

July 24, 2024