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July 24, 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

ENTERED  
Office of Proceedings  
July 24, 2024  
Part of  
Public Record

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:

Attached for filing in the above-referenced proceeding is the "Response of Illinois Central Railroad Company to Appendix—Part I (Train 2) of the Surface Transportation Board's February 13, 2024 Decision."

Sincerely,

/s/ David A. Hirsh

David A. Hirsh

*Counsel for Illinois Central Railroad Company*

Enclosure

cc: All Parties of Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. NOR 42175

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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

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**RESPONSE OF ILLINOIS CENTRAL RAILROAD COMPANY TO  
APPENDIX—PART I (TRAIN 2)  
OF THE SURFACE TRANSPORTATION BOARD’S  
FEBRUARY 13, 2024 DECISION**

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*Counsel for Illinois Central Railroad Company*

July 24, 2024

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Pursuant to the Surface Transportation Board’s (“STB” or “Board”) decisions on April 5, 2024 and May 24, 2024, Illinois Central Railroad Company (“CN”) hereby provides narrative explanations of the root causes of delays to Train 2 attributed by Amtrak to CN in Appendix—Part I, of the Board’s February 13, 2024 decision (“Decision”).<sup>1</sup>

**DEFINITIONS**

1. "Amtrak" refers to the National Railroad Passenger Corporation.
2. "CN" refers to Illinois Central Railroad Company.
3. "DCS" refers to signal delays.
4. "EBJ" refers to East Bridge Junction.
5. "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).

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<sup>1</sup> In its May 24, 2024 decision, the Board extended the deadlines for submitting narrative explanations to June 4, 2024 for delays to Train 1 and to July 24, 2024 for delays to Train 2. CN provided narrative explanations for Train 1 on June 4, 2024. Response of Illinois Central Railroad Company to Appendix—Part I (Train 1) of the Surface Transportation Board’s February 13, 2024 Decision (filed June 4, 2024) (“CN June 4 Response”). The Board’s May 24, 2024 decision also extended to August 8, 2024 the deadline for filing supporting materials underlying each party’s narrative explanations. CN will file its supporting materials on or before that date.

6. “EDR” refers Amtrak’s electronic conductor delay report.
7. “FTI” refers to freight train interference.
8. “NOPB” refers to New Orleans Public Belt Railroad Commission for the Port of New Orleans.
9. “NS” refers to Norfolk Southern Railway Company.
10. “NOUPT” refers to New Orleans Union Passenger Terminal.
11. “Operating Agreement” refers to the CN-Amtrak Operating Agreement in effect during the Relevant Period.
12. “Relevant Period” refers to the period October 1, 2021 through December 8, 2022.
13. “SPJ” refers to Southport Junction.
14. “Sunset Limited” refers to the Amtrak service (Amtrak Trains 1 and 2) that is the subject of this docket.
15. “SYS,” as used in Amtrak’s EDRs, spreadsheets, and other reports, refers to delay caused by crew and system issues.
16. “UP” refers to Union Pacific Railroad Company.
17. “XEB,” as used in Amtrak’s EDRs, spreadsheets, and other reports, refers to East Bridge Junction.
18. “XSU,” as used in Amtrak’s EDRs, spreadsheets, and other reports, refers to Southport Junction.
19. “XWB,” as used in Amtrak’s EDRs, spreadsheets, and other reports, refers to West Bridge Junction.

### **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 delay data and information provided by Amtrak (including, without limitation, Amtrak\_STB\_Native\_002.xlsx and subsets of data drawn from it); (b) the admissibility or relevance of any information or documents referenced herein or subsequently produced pursuant to the decisions served April 5 and May 24, 2024; (c) the scope of the information requests relative to the subject

matter of the above-captioned investigation; and (d) any additional, amended or supplemental information requests that the STB may issue in the future. CN expressly reserves the right to raise such objections and to challenge the accuracy of the data and information provided by Amtrak.

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.

### **ROOT CAUSES FOR SPECIFIC DELAYS**

In Section I of its Decision, the Board requests explanations of the root causes of specified delays from Amtrak's previously produced list of Sunset Limited train delays during the Relevant Period (Amtrak\_STB\_Native\_0002.xlsx). The data reflects Amtrak's assignment of responsibility for each delay. The Board provides the following instructions for responding to the individual delays listed in Appendix—Part I:

For each delay listed, the party listed as the responsible railroad will be ordered to provide an explanation of the root cause(s) of the delay(s). Parties are required either to provide a narrative explanation for each stand-alone delay or cluster of delays, or to group stand-alone delays and/or clusters together where a common root cause or causes will explain the grouped items. Examples of the explanation of root cause(s) of delay(s), may include a detailed explanation of a dispatching decision, the chain of events leading to a particular delay, intervening events, and any other relevant piece of information that will illustrate the underlying reason for a delay to an Amtrak train.

Decision at 2-3. The Decision also notes that if any party “believes a correction needs to be made to data found in the Appendix [it] should bring that to the Board’s attention in a filing.” *Id.* at 3. CN hereby incorporates as if fully restated herein its prior discussion in CN June 4 Response (at 4-6) explaining that CN is not a host for the Sunset Limited and the minimal number and impact of the delays attributed to CN on the EBJ-SPJ Segment.

**Explanations for the Four (4) Train 2 Delay Events Listed for CN**

With regard to the Board’s Appendix—Part I, the four (4) Amtrak-reported delays to Train 2 for which CN<sup>2</sup> is listed (out of 474 total Train 2 delays) are:

| Ref #s below <sup>3</sup> | Train # | Origin Date | From | To  | Host RR | Type | Mins | Sub Name                |
|---------------------------|---------|-------------|------|-----|---------|------|------|-------------------------|
| 7                         | 2       | 4/03/2022   | XWB  | XEB | CC      | FTI  | 21   | New Orleans Public Belt |
| 8                         | 2       | 5/06/2022   | XWB  | XEB | CC      | DCS  | 21   | New Orleans Public Belt |
| 9                         | 2       | 5/06/2022   | XEB  | XSU | CC      | DCS  | 9    | McComb District         |
| 10                        | 2       | 12/07/2022  | XEB  | XSU | CC      | DCS  | 10   | McComb District         |

Based on a diligent and reasonable investigation, CN provides explanations below of the root causes of the four delay events listed above for Train 2. The information available to CN concerning these four delay events is necessarily limited. CN does not maintain the EBJ-SPJ Segment, and none of the delays involve CN’s own trains, either directly or indirectly. Further, as the parties have never treated the Sunset Limited as within the scope of the Amtrak-CN

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<sup>2</sup> The rail carrier code for CN in Amtrak’s conductor-reported delay spreadsheet is “CC.”

<sup>3</sup> CN has assigned reference numbers 1-10 to the ten delays in Appendix—Part I that Amtrak attributes to CN. Reference numbers 1-6 are for delays to Train 1 (for which root cause explanations were submitted on June 4, 2024) and 7-10 are for delays to Train 2.

Operating Agreement (Amtrak's claims in this proceeding notwithstanding), CN has had no reason to track the delays or performance of the Sunset Limited trains for the purpose of calculating base compensation or incentives and penalties.

7. **Amtrak delay description: 4/3/2022, Train 2, segment XWB to XEB (4:31-5:37 a.m.), 21 minute delay, type FTI (Freight Train Interference), "Cross Traffic Stopped for cross traffic at east bridge jct unknown freight (CSX?), unknown, Control Point, eastbridge jct"**<sup>4</sup>

**CN Explanation:**

According to CN's dispatching playback, eastbound<sup>5</sup> Amtrak Train 2 approached the western end of the EBJ interlocking (designated XEB by Amtrak) just before 5:12 a.m., but it was delayed entering the interlocking until just before 5:35 a.m. After Train 2 entered the interlocking it proceeded with no significant delay, arriving at the eastern signal of the EBJ interlocking at 5:37 a.m. and at the CN-controlled signal at the Long Crossover at 5:40 a.m. It is unclear why the Amtrak conductor assigned any of the cross-traffic delay at the western end of the EBJ interlocking to CN. It appears from the dispatching playback that Train 2 was held at the western signal for the EBJ interlocking because, at 5:11 a.m., just before Train 2's arrival, UP dispatched an unidentified train eastbound from the CN Mays Yard lead, across the EBJ interlocking, to the NS Back Belt. UP controls the signal at the western end of the EBJ interlocking, the EBJ interlocking itself, and the switch to the NS Back Belt.

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<sup>4</sup> Amtrak\_STB\_Native\_0002.xlsx and Amtrak's EDR lists delays it attributes to UP between XWB and XEB immediately preceding the delay attributed to CN (a 7-minute FTI delay for a meet with an NS train coming off the Huey P. Long Bridge) and immediately after (a 19-minute SYS delay for a "[r]e-crew / job briefing").

<sup>5</sup> CN refers herein to Train 2's movement over the EBJ-SPJ Segment and to movements generally over the EBJ-SPJ Segment and through the EBJ interlocking as westbound/eastbound, but notes that CN's dispatch screens and playbacks label the EBJ-SPJ Segment as northbound/southbound, reflecting the broader directional orientation of CN's McComb Subdivision.

8. **Amtrak delay description:** 5/6/2022, Train 2, segment XWB to XEB (1:30-2:10 a.m.), 21 minute delay, type DCS (Signal Delay), “Restrictive signal(s) from known wayside signal failure Wait on CC to accept UP signal request, Stop, Control Point, E Bridge Jct”

**CN Explanation:**

Amtrak attributed 21 minutes of delay to CN while Train 2 was apparently stopped at the western end of the EBJ interlocking because of an apparent wayside signal failure and an alleged delay in CN responding to a UP signal request. CN’s dispatching playback shows that CN responded to UP’s signal request for Train 2 at 1:36 a.m., approximately seven minutes before Train 2 arrived at 1:43 a.m., at the segment just outside the western end of the EBJ interlocking. The dispatching playback also shows that at 1:41 a.m., shortly before Train 2’s arrival, the UP dispatcher allowed an NOPB train (N000271 20) to proceed from the NOPB yard track (located west of the EBJ Interlocking between Mays Yard and the NOPB main leading from the Huey P. Long Bridge) eastbound into the EBJ interlocking and over to the CN Main. The NOPB train proceeded onto the CN Main to the connection for the Long Crossover but then stopped and, at 1:53 a.m., reversed course and proceeded westbound back through the EBJ interlocking to the inbound track to CN’s yard, arriving at approximately 1:59 a.m. Shortly afterward, just before 2:10 a.m., Train 2 entered the western end of the EBJ interlocking. It is unclear why the UP dispatcher allowed this apparent yard movement of the NOPB train so close to the arrival time of Train 2.<sup>6</sup>

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<sup>6</sup> Amtrak’s EDR uses the phrase “Restrictive signal(s) from known wayside signal failure.” As CN has noted previously, Amtrak’s conductors frequently use that phrase or very similar phrasing in their delay report narratives. CN June 4 Response at 12 n.10. CN understands it to mean a “failure” to provide a favorable signal to Amtrak’s train rather than meaning to convey that the conductor has evidence of an actual signal malfunction. *Id.* In any event, CN has not located any evidence that a signal malfunction caused this delay.

9. **Amtrak delay description:** 5/6/2022, Train 2, segment XEB to XSU (2:10-2:29 a.m.), 9 minute delay, type DCS (Signal Delay), “Restrictive signal(s) from unknown cause Stop, Clear, Milepost w/Letters, Long X-over, CTC XSU”

**CN Explanation:**

According to CN’s dispatching playback and dispatcher voice recordings, because of a track circuit failure, CN’s dispatcher was unable to provide Train 2 with a signal to proceed eastbound past the Long Crossover signal. When a signal fails, a verbal approval from the dispatcher is necessary for a train to proceed. Therefore, in order to proceed safely, Train 2 had to stop at the signal to obtain the necessary verbal clearance of CN’s dispatcher. The track circuit failure is consistent with a broken track circuit bond wire.

10. **Amtrak delay description:** 12/7/2022, Train 2, segment XEB to XSU (2:43-3:02 a.m.), 10 minute delay, type DCS (Signal Delay), “Stop signal Other, long cross. over”

**CN Explanation:**

It appears from CN’s dispatching playback and dispatcher voice recording that Train 2 held for roughly 6 minutes (from approximately 2:48 a.m. to 2:54 a.m.) at the eastbound Long Crossover signal and that CN’s dispatcher was unable to provide the signal for Train 2 to proceed because of a track circuit failure. As explained above in the response to No. 9, when a signal fails, a verbal approval from the dispatcher is necessary for a train to proceed. Therefore, in order to proceed safely, Train 2 had to stop at the signal to obtain the necessary verbal clearance of CN’s dispatcher. The track circuit failure is consistent with a broken track circuit bond wire.

The remaining 4 minutes of the 10-minute delay reported by Amtrak likely should not be attributed to CN. After Train 2 proceeded eastbound through the switch at the Long Crossover around 2:54 a.m., it appears to have stopped west of the exit point from the EBJ-SPJ Segment, despite having a green signal from CN that allowed it to exit Southport Junction (i.e., move

through XSU). It is unclear why Train 2 did not immediately proceed, but it may have been awaiting clearance from Amtrak to proceed onto the NOUPT track at MP A908.7.

Respectfully submitted,

/s/ David A. Hirsh

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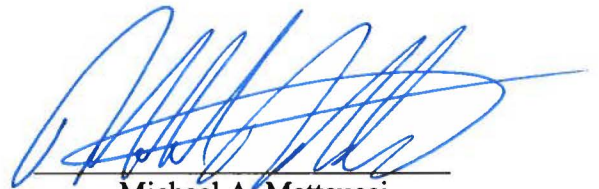
*Counsel for Illinois Central Railroad Company*

July 24, 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 Appendix—Part I (Train 2) of 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 July 23, 2024.

A handwritten signature in blue ink, appearing to read 'Michael A. Matteucci', is written over a horizontal line.

Michael A. Matteucci

### **CERTIFICATE OF SERVICE**

I, James M. Guinivan, hereby certify that I have, this 24th day of July, 2024, caused the foregoing Response of Illinois Central Railroad Company to Appendix—Part I (Train 2) of 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