

SERVICE DATE – OCTOBER 4, 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: October 4, 2024

On August 19, 2024, the Board issued a decision that, among other things, established a schedule for the filing of pleadings and provided guidance on subjects to be addressed in those pleadings. 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 (August 2024 Decision), NOR 42175, slip op. at 7 (STB served Aug. 19, 2024). Under that schedule, Amtrak’s opening brief is due by October 7, 2024; railroad parties’ replies are due by December 23, 2024; non-railroad parties’ replies are due by January 22, 2025; and Amtrak’s rebuttal to all replies and the railroad parties’ rebuttals to non-party replies are due by February 21, 2025.

Pursuant to the Board’s decision instituting this investigation and the Board-approved Protective Order, parties filing any pleading marked “Highly Confidential” or “Confidential” are required to simultaneously file a redacted, public version. 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, NOR 42175, slip op. at 15 (STB served July 11, 2023); 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, NOR 42175, slip op. at 3, 7 (STB served Aug. 8, 2023).

On October 2, 2024, Amtrak filed a motion requesting that the Board “permit all parties to file the Public (redacted) versions of their briefs, and submit any workpapers, 24 hours after each applicable deadline.” (Amtrak Mot. 1, Oct. 2, 2024.) Amtrak states that full “Highly Confidential” and “Confidential” filings would still be filed with the Board and served on opposing parties as currently scheduled. (*Id.*) According to Amtrak, the additional 24-hour period would help ensure that any highly confidential or confidential information in the pleadings is “fully and accurately redacted.” (*Id.*) Amtrak notes that it has conferred with counsel for the other parties in this proceeding and that Union Pacific Railroad Company consents to the motion; Canadian Pacific Kansas City Limited, BNSF Railway Company, and Southern California Regional Rail Authority have indicated that they do not oppose it; and the remaining parties had not communicated a position at the time of filing. (*Id.* at 1-2.)

Under 49 C.F.R. § 1104.7(b), the Board may, in its discretion, grant extensions of time for good cause. Given that submissions in this case could include a significant amount of

material designated “Highly Confidential” or “Confidential,” Amtrak’s request is reasonable and its motion will be granted. Redacted, public versions of any filings contemplated under the procedural schedule that contain highly confidential or confidential information (including workpapers) will be due on the next business day following the due dates set out in the August 2024 Decision. The “Highly Confidential” and/or “Confidential” versions of such filings will remain due on the dates set out in the August 2024 Decision.¹

It is ordered:

1. Amtrak’s motion for extension is granted as discussed above. Redacted, public versions of any filings contemplated under the procedural schedule that contain information designated “Highly Confidential” or “Confidential” (including workpapers) will be due on the next business day following the due dates set out in the August 2024 Decision.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ This decision does not affect the dues dates for filings that do not, in the first instance, include any highly confidential or confidential material. Those filings remain due on the dates set out in the August 2024 Decision.