



DECISION ID NO.: 52629
DECIDED DATE: 6/11/2025
SERVED DATE: 6/11/2025
APPROVED: *[Signature]*
Acting Director

Office of
Proceedings



309631

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
June 4, 2025
Part of Public Record

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

JOINT MOTION FOR ORDER RESOLVING CONFIDENTIALITY DISPUTE

The National Railroad Passenger Corporation (“Amtrak”) and Union Pacific Railroad Company (“UP”) hereby jointly move the Surface Transportation Board (“Board”) for the entry of an order resolving the parties’ dispute over the public filing of UP’s December 23, 2024 reply brief. The parties jointly request that the Board order that the public version of the reply brief that UP filed on March 17, 2025 remain the operative version of the reply brief on the public docket and that the public version of the reply brief UP filed on December 23, 2024 not be restored to the public docket.

On January 15, 2025, Amtrak filed a motion asking the Board to remove UP’s December 23, 2024 reply brief from the public docket due to Amtrak’s claim that the brief contained highly confidential and commercially sensitive information. On the same day, the Office of Proceedings issued a notice stating that the brief would be temporarily removed from the public docket while the Board considered the motion. The next day, the Board ordered Amtrak to provide a status report regarding its efforts to resolve the issue. The Board also directed that any replies to Amtrak’s motion be filed by January 21, 2025. Amtrak filed a status report and then a motion for further

relief on January 17, 2025, and UP filed a reply to Amtrak's January 15 and January 17 motions on January 21, 2025.

On February 20, 2025, the Board granted Amtrak's January 17 motion in part, on an interim basis, to allow the parties the opportunity to resolve their dispute in an appropriate forum. The Board ordered that if Amtrak wished to pursue its argument that UP did not have the right to publicly disclose the subject information, Amtrak must seek resolution in an appropriate forum and so inform the Board of its decision to do so by March 14, 2025. The Board stated that if Amtrak did not initiate such an action, the Board would treat that as an abandonment or waiver of Amtrak's confidentiality claims and UP's December 23 reply brief would be added back to the public docket without Amtrak's proposed redactions. The Board noted that if, however, Amtrak initiated an appropriate action, UP must, by March 17, 2025, submit a public version of its December 23 reply brief with the redactions proposed by Amtrak.

On March 14, 2025, Amtrak informed the Board that it had initiated a proceeding before the National Arbitration Panel ("NAP") to resolve the parties' confidentiality dispute. Thereafter, on March 17, 2025, UP submitted a public version of its December 23 reply brief with the redactions proposed by Amtrak.

Amtrak and UP have now reached agreement that the public version of the reply brief that UP submitted on March 17, 2025 with the redactions proposed by Amtrak should remain the operative version of the reply brief on the Board's public docket and that the public version of the reply brief UP submitted on December 23, 2024 should not be restored to the docket. Accordingly, the parties respectfully request that the Board "so order" this motion entering the parties' agreement. Upon entry of the Board's order, Amtrak will dismiss the NAP proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jessica Ring Amunson, certify that copies of this document are simultaneously being provided by email to all parties identified on the service list for this proceeding, Docket Number NOR 42175.

June 4, 2025

/s/ Jessica Ring Amunson

Jessica Ring Amunson