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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36873

UNION PACIFIC CORPORATION AND UNION PACIFIC RAILROAD COMPANY
- CONTROL -
NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

COMMENTS OF THE RAIL PASSENGERS ASSOCIATION IN OPPOSITION TO THE APPLICATION

The Rail Passengers Association ("Rail Passengers" or "RPA") submits these comments opposing the Amended Railroad Control Application filed April 30, 2026, as supplemented and revised (collectively, the "Application"). Consistent with Decision No. 37, RPA renews on the merits the passenger-rail objections presented in RPA-1. The Board should deny the Application because Applicants have not carried their heightened burden to demonstrate that the Transaction is consistent with the public interest.

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PRELIMINARY STATEMENT

Decision No. 37 moved this proceeding from a threshold challenge to a full merits record. It did not resolve the passenger deficiency identified in RPA-1. The Board denied the pending summary-denial motions because additional evidence and argument would aid its consideration of this consequential transaction of first impression; it expressly reached no merits conclusion, disclaimed any endorsement of Applicants' arguments or analyses, and instructed commenters to renew their merits challenges. RPA does so here.[1]

The governing burden remains unchanged. Applicants must demonstrate with substantial, transaction-specific evidence that this unprecedented combination is consistent with the public interest. Passenger transportation is expressly part of that inquiry, and the Board's 2001 Merger Rules demand particular attention to how increased freight traffic will affect scheduled passenger trains, terminals, future growth, and the continued adequacy of transportation to the public. Passenger rail is not a collateral interest to be addressed after approval; it is part of the showing required before approval.[2]

Applicants still have not made that showing. The Board found their initial passenger presentation incapable of explaining "how passenger trains will actually be affected" and identified several possible ways to supply the missing proof: a dispatching plan, train-modeling evidence, or an analysis of anticipated freight schedules and their interaction with passenger service. Applicants instead supplied historical monthly averages, internal management processes, existing legal and contractual obligations, and a statistical analysis that does not model the effects of the proposed new operations. Their later environmental submissions identify still more segments where passenger trains and transaction-related freight growth will share track, but do not provide the

[1] *Union Pac. Corp.—Control—Norfolk S. Corp.* (Decision No. 37), FD 36873, slip op. at 1, 4 (STB served Sept. 18, 2026) ("Decision No. 37").

[2] Comments of the Rail Passengers Association and Response in Support of the Joint Shipper Associations' Motion for Summary Denial (RPA-1) 4-8, 20-22 (filed Sept. 9, 2026) ("RPA-1"). RPA incorporates RPA-1, Exhibits RPA-2 through RPA-5, and RPA Workpaper 1 by reference to avoid duplicating materials already in the record.

timetable-based operating analysis the Board requested. The question Applicants must answer is whether the particular freight movements used to support the merger can coexist with particular scheduled passenger trains. The record still does not show that they can.[3] [4]

The Board need not decide whether Applicants were unwilling or unable, once this proceeding began, to complete a full Rail Traffic Controller modeling exercise. The dispositive point is that they sought approval of the Transaction without first completing the operational analysis necessary to show how merger-related freight traffic would interact with scheduled passenger service. The time and expense required to produce that analysis do not diminish its importance; it demonstrates why Applicants should have performed it before filing. Nor did Applicants provide the focused dispatching plans, representative corridor modeling, or freight-schedule analysis that the Board identified as alternative means of answering the question.

The disclosed record supplies affirmative reasons for concern. Applicants project significant additional freight traffic on corridors already carrying scheduled intercity and commuter trains. The most consequential examples converge at complex terminals and junctions: Chicago and the Chicago-Porter-Cleveland route; the New Orleans Back Belt; Pittsburgh-Harrisburg; Meridian-Atlanta; and the *Sunset Limited* route and Los Angeles terminal. Several capacity conclusions depend on projects funded by states or the Federal Government. Others depend on projects not yet complete. Yet Applicants repeatedly replace an operating demonstration with the word "sufficient." A capacity label in a table is a conclusion, not proof of how the trains will operate.

The performance baseline remains unacceptable. Amtrak's September 2026 Host Railroad Report shows both UP and NS exceeding Amtrak's target of fewer than 900 host-responsible delay

[3] Letter from Thomas Brugato, Counsel for Applicants, to Danielle Gosselin, Director, Office of Environmental Analysis, Surface Transportation Board 1, 5 (Sept. 9, 2026) ("September 9 OEA Update"); Applicants, *Updated Master Data Tables for Second Errata Filing*, Master Data Table - Passenger Segments (Sept. 9, 2026).

[4] *Union Pac. Corp.—Control—Norfolk S. Corp.* (Decision No. 21), FD 36873 et al., slip op. at 31-32 (STB served May 28, 2026) ("Decision No. 21"); Applicants' Final Supplemental Response (UP-80/NS-78), SUPP. PAGES 164-81 (filed July 27, 2026) ("July 27 Supplemental Response").

minutes per 10,000 train-miles for the month and over the preceding twelve months. UP recorded 1,289 minutes in September and 1,080 over twelve months; NS recorded 956 and 909, respectively. On UP's portion of the *Sunset Limited*, the corresponding results were 1,186 and 1,175, with freight-train interference the largest September category. Applicants' promise to maintain current service therefore amounts to a promise that service will become no worse than a demonstrably inadequate status quo.[5]

Applicants' statistical witness does not close the gap. Dr. Kristof Zetenyi accepted Applicants' capacity inputs and selected segments without independent verification, paired total route-level delay with utilization on a single segment, and pooled materially different passenger services. Many services have little or no historical experience at the projected utilization level. His principal coefficients are positive but imprecise. His nonlinear analysis produced a statistically significant difference between the 90%-100% and 100%-110% utilization intervals, then treated a different, nonadjacent comparison as confirmation that the result was anomalous. The analysis may demonstrate that the available historical data are noisy. It does not demonstrate how Applicants' proposed trains will operate, nor rule out passenger harm large enough to matter.[6]

Moreover, the future-service question is no longer abstract. On the date comments are due in this proceeding, Amtrak and PennDOT are inaugurating a second daily *Pennsylvanian* round trip over NS's Pittsburgh Line. RPA recognizes and welcomes Norfolk Southern's constructive role in making that expansion possible, as well as other previous expansions elsewhere. But the years of coordination, infrastructure investment, and corridor-specific planning required to add one passenger frequency here underscore why generalized assurances cannot establish that seven

[5] RPA Ex. 6, Amtrak, *Host Railroad Report* 2, 8 (Sept. 2026) ("September Host Railroad Report").

[6] Verified Statement of Kristof Zetenyi, Ph.D. ¶¶ 7-10, 31-40 & Figs. 4, 6-7, July 27 Supplemental Response, SUPP. PAGES 372-75, 390-99 ("Zetenyi V.S.").

additional merger-related freight trains on that segment can be accommodated without impairing the public investment.[7]

RPA therefore asks the Board to deny the Application on the merits because Applicants have not carried the burden imposed by 49 U.S.C. § 11324 and the 2001 Merger Rules. The passenger showing is an independent merits failure and a concrete test of Applicants' broader operating methodology: when the Board asked how scheduled trains would actually interact with the added traffic used to support Applicants' claimed benefits, Applicants did not demonstrate the impact of the proposed new operations. If the Board nevertheless approves the Transaction, it should impose specific, enforceable, and independently reviewable passenger conditions. Private assurances, press statements, and internal processes cannot substitute for commitments placed in the docket and made enforceable by the Board.

STATEMENT OF INTEREST

With 127,000 members, donors, and supporters, RPA is the Nation's largest nonprofit organization representing the interests of current and future rail passengers. It advocates for the preservation, improvement, and expansion of intercity and commuter passenger rail, transit, and public-transportation connections. Its supporters use services hosted by UP and NS, and its policy and research work includes host-railroad performance, corridor development, capacity planning, and the federal passenger-rail programs implicated by this Transaction. RPA therefore has a direct interest in whether the merger preserves adequate and reliable passenger transportation and leaves the national rail network capable of supporting the passenger investments Congress, FRA, states, and regional authorities are advancing.

[7] Pennsylvania Department of Transportation, *Shapiro Administration Announces Second Daily Pennsylvanian Train from Harrisburg to Pittsburgh to Begin Service November 18* (Oct. 6, 2026); Amtrak, *Amtrak Expands Pennsylvanian Service with Second Daily Round Trip Beginning Nov. 18* (Oct. 7, 2026).

SUMMARY OF ARGUMENT

I. Applicants have not carried their heightened public-interest burden. The governing statutes and regulations require the Board to examine passenger transportation, the adequacy of service to the public, anticipated passenger delay from increased freight traffic, terminal and network effects, and future growth. Decision No. 21 identified the missing operational question precisely. Decision No. 37 then preserved that issue for merits review and expressly declined to endorse Applicants' analysis. Applicants' subsequent filings still do not show how the proposed freight trains will interact with actual passenger schedules.

II. The disclosed facts identify concrete passenger risks. Existing host performance is already inadequate. Applicants project additional freight traffic on high-consequence passenger corridors and in terminals where delay can propagate across routes and carriers. Their claims depend in several places on public investments or future projects, while their analysis does not show the train windows, meets, passes, junction conflicts, yard capacity, or terminal receiving capacity that will determine actual performance.

III. The Zetenyi analysis cannot substitute for an operating demonstration. It accepts Applicants' inputs without examination, assigns each passenger service to one selected segment, pools different services, and relies on historical monthly averages that obscure the timing and direction of trains. The absence of conventional statistical significance does not establish a zero effect. The analysis neither validates Applicants' capacity model nor rules out operationally important harm.

IV. Applicants failed to evaluate reasonably foreseeable passenger development. The Corridor ID portfolio is a congressionally authorized and funded development pipeline, and the second daily *Pennsylvanian* demonstrates that planned service can become operating service during the pendency of a merger case. Applicants cannot project years of freight growth, and

indeed, rely on that growth as evidence of public benefit, while treating passenger growth as too uncertain to consider.

V. The Board should rely on tested evidence and enforceable commitments, not the apparent level of stakeholder support or silence. Decision No. 45 recognizes that perceived or actual retaliation can distort participation and affect the weight assigned to support statements. That concern is particularly relevant where passenger operators and public sponsors depend on a host railroad for dispatching, capacity studies, access negotiations, and future agreements.

VI. If the Board does not deny the Application, stringent passenger conditions are essential. Any approval should preserve existing rights, require corridor- and terminal-specific operating demonstrations, establish performance floors and objective intervention triggers, protect publicly funded passenger capacity, preserve capacity for projects reaching defined development milestones, prohibit retaliation, provide expedited dispute resolution, and maintain continuing Board oversight.

ARGUMENT

I. APPLICANTS HAVE NOT CARRIED THEIR HEIGHTENED PUBLIC-INTEREST BURDEN

A. Passenger transportation is an express part of the statutory and regulatory inquiry.

Entering the merits phase of this proceeding does not invert the burden. Applicants must demonstrate that the Transaction is consistent with the public interest. 49 U.S.C. § 11324(c). In doing so, the Board must consider, among other things, "the effect of the proposed transaction on the adequacy of transportation to the public." *Id.* § 11324(b)(1). Congress defines "transportation" to include the movement and handling of passengers. *Id.* § 10102(9). Congress' expressed rail

transportation policy calls for a sound rail transportation system that meets the needs of the public and promotes safe and efficient service. *Id.* § 10101.[8]

The 2001 Merger Rules deliberately made the major-merger burden heavier. The Board recognized that the excess capacity that once supported consolidation had largely disappeared, that integration failures in another Class I combination could create nationwide disruptions, and that claimed benefits might prove difficult to obtain while harms could become difficult to remedy. It therefore adopted a skeptical "show me" approach requiring well-documented and reasonable evidence rather than optimistic projections.[9]

Those rules impose passenger-specific duties. A major-transaction operating plan must "detail any impacts anticipated" on commuter and other passenger services, including delay that may result when a line is scheduled to handle increased traffic. 49 C.F.R. § 1180.8(b)(2). A Service Assurance Plan must identify precise steps to ensure attainable service, describe potential degradation and mitigation, and explain definitively how Applicants will continue to facilitate Amtrak and commuter operations. *Id.* §§ 1180.1(h), 1180.10(a)-(b). It also must address yard and terminal fluidity, infrastructure impediments, future growth, contingencies, benchmarks, and the timing of major changes. *Id.* § 1180.10(c)-(k).

Applicants continue to rely heavily on § 1180.10(b), existing operating agreements, and statutory preference. Those provisions merely establish minimum duties; they do not confine the public-interest inquiry to today's routes, frequencies, and agreements. Nor do they establish that physical and operational capacity exists to satisfy those duties after the addition of merger-related freight traffic.

[8] 49 U.S.C. §§ 10101, 10102(9), 11324(b)-(c); 49 C.F.R. §§ 1180.1(c), 1180.7-1180.10.
[9] *Major Rail Consolidation Procedures*, 5 S.T.B. 539, 545-46, 549, 558-60 (2001); 49 C.F.R. § 1180.1(c).

B. Decision No. 21 identified an operational question that Applicants still have not answered.

In Decision No. 21, the Board did not ask for a more emphatic assurance. It explained that Applicants' maximum-daily-capacity worksheet did not show how passenger and freight trains would interact because passenger trains operate on specific schedules and generally at different speeds. The Board directed Applicants to address how lines used by passenger services could support projected freight increases while maintaining current passenger service. It identified, as examples, a post-merger dispatching plan, train-modeling evidence, and analysis of anticipated freight schedules.[10]

Applicants responded principally with five propositions: their capacity calculations implicitly include passenger trains; passenger trains retain statutory or contractual rights; internal planners will consider passenger operations when designing future train plans; managers will monitor performance and may reverse a change if problems emerge; and historical monthly data do not reveal a statistically significant relationship between utilization and delay. None answers when the new freight trains will operate, where they will meet or pass scheduled passenger trains, whether junctions and yards can receive the traffic, or what enforceable corrective action follows before passengers absorb the harm.[11]

The omission persists after repeated opportunities to cure the record. Applicants filed an original application, a revised application, Board-ordered supplements, and subsequent errata and environmental data. While the Board need not attribute motive where the record does not require it, the legally relevant fact is simpler: Applicants filed without the transaction-specific operating analysis necessary to carry their burden, and the later submissions did not supply it.

[10] Decision No. 21, slip op. at 31-32.
[11] July 27 Supplemental Response, SUPP. PAGES 164-70, 178-81; Zetenyi V.S. ¶¶ 7-40, SUPP. PAGES 372-99.

C. Decision No. 37 preserved the passenger deficiency for decision on the merits.

Decision No. 37 denied the pending summary-denial motions as an exercise of the Board's discretion to build a more complete record. The Board emphasized that proceeding further did not reflect a merits determination or endorsement of Applicants' arguments, analyses, or positions. It instructed movants and commenters to renew their challenges in opening comments. RPA accordingly preserves the passenger objections made in RPA-1 and renews them under the full public-interest standard.[12]

The threshold convention described in 49 C.F.R. § 1180.4(c)(8) — construing disclosed facts in their most favorable light — does not relieve Applicants of their burden on the completed merits record. The question of whether additional evidence might eventually cure the defect becomes increasingly immaterial as Applicants' continued failure to supply that evidence demonstrates. The question the Board must answer is whether Applicants have supplied reliable evidence sufficient for the Board to find this Transaction consistent with the public interest. On passenger rail, they have not.

D. The time required to perform a full RTC study does not excuse the absence of adequate proof.

Applicants stated that a full RTC analysis covering approximately 25 passenger services would take many months. RPA does not minimize the effort required to model a network of this scale and appreciates both the scope and expense of such a project. But the scale and complexity of the proposed Transaction are reasons to perform the work before seeking approval, not reasons for the Board to decide without it.[13]

[12] Decision No. 37, slip op. at 3-4; 49 C.F.R. § 1180.4(c)(8).
[13] July 27 Supplemental Response, SUPP. PAGE 170 n.317.

Nor did the Board prescribe RTC as the exclusive acceptable method. Decision No. 21 framed a functional evidentiary requirement and offered several examples. Applicants could have modeled representative high-risk corridors and terminals; provided anticipated operating windows and directional flows; reconciled their passenger, freight, yard, and terminal tables; or supplied a passenger-specific dispatching plan with objective assumptions and contingencies. Their inability to complete a transaction-wide RTC model on the merger proceeding schedule does not explain the absence of those narrower forms of proof.

The same projected trains support Applicants' public-benefit case. Applicants cannot use traffic growth to establish the value and feasibility of the merger while treating the trains producing those benefits as too indefinite to analyze operationally. If the projected growth is credible, its passenger consequences require analysis. If it is not sufficiently definite to analyze, the benefits attributed to that growth deserve correspondingly less weight.

E. Applicants' September traffic update confirms passenger exposure but does not cure it.

Applicants' September 9 submission to the Board's Office of Environmental Analysis states that its updated Master Data Tables supersede prior OEA submissions. It separately lists segments with at least one additional transaction-related freight train per day and existing passenger traffic. The cover letter expressly states that the Passenger Segments table itself did not change.[14]

That submission is useful to the inquiry because it confirms the breadth of shared-track exposure, including the Chicago Line, Pittsburgh Line, Atlanta-area districts, Geneva Subdivision, the *Sunset Limited* route, Los Angeles-area segments, New Orleans, and the Conrail Lehigh Line. But the passenger table reports average passenger trains per day and descriptive notes. It does not

[14] September 9 OEA Update 1-5; Applicants, *Updated Master Data Tables for Second Errata Filing*, Master Data Table - Passenger Segments & Footnotes 3-7 (Sept. 9, 2026).

show when freight and passenger trains will run, how they will interact, where conflicts will occur, whether terminal and yard constraints have been modeled, or how performance will be protected. It is an exposure inventory, not an operating demonstration.

Decision No. 37 now places those deficiencies squarely in the merits inquiry. The September update confirms where passenger exposure exists, but it does not answer the operational question the Board posed.

F. The passenger showing is a concrete test of Applicants' broader operating methodology.

The passenger deficiency is not a niche concern separate from the merger's operating case. Scheduled passenger trains create a disciplined test of whether Applicants' capacity conclusions correspond to an executable train plan: the trains operate at known times, at different speeds, through specific junctions and terminals, and under statutory and contractual obligations. The Board asked Applicants to show how those trains would interact with the proposed freight growth. Applicants did not do so.

That omission exposes an asymmetry at the center of the Application. The same projected freight trains are definite enough to support claimed traffic growth, network efficiencies, and public benefits, but become too indefinite for Applicants to disclose their operating windows or test their interaction with passenger schedules. Capacity cannot be specific when counted as a benefit and abstract when examined for harm. If the proposed trains and infrastructure are sufficiently concrete to support approval, they are sufficiently concrete to analyze against the passenger timetable.

Applicants instead rely on capacity labels, historical averages, internal change-management processes, and after-the-fact monitoring. Those materials may inform an operating demonstration but are far from a substitute for one. Preference allocates scarce capacity but does not create it. Monitoring identifies deterioration after passengers experience it; it does not establish

before approval that the harm will be avoided. The failure therefore matters independently under the passenger-specific rules and also bears on the reliability of Applicants' broader capacity case.

II. THE DISCLOSED RECORD IDENTIFIES CONCRETE PASSENGER RISKS

A. The examples that follow are illustrative, not exhaustive.

RPA selected the examples below because Applicants' own disclosures permit concrete comparison of projected freight growth, existing passenger use, present performance, identified capacity constraints, and proposed capital projects. They do not define the outer boundary of passenger exposure. Applicants' September tables identify additional affected routes and terminals, but Applicants' failure to supply timetable-based operating analysis prevents RPA, other interested parties, stakeholders, and even the Board from determining the full extent of the risk. That uncertainty is itself a consequence of the evidentiary deficiency, not proof that unexamined locations are unaffected. The accompanying figures are illustrative maps based on Applicants' cited public data; they show disclosed traffic, projects, and passenger-route overlap, not simulated operations.

B. Applicants begin from an inadequate and unstable performance baseline.

RPA-1 demonstrated that UP and NS already produced host-responsible delay above Amtrak's 900-minute target and that freight-train interference was the leading delay category on several affected services. The two additional reporting months have not solved the problem.[15]

In September 2026, UP recorded 1,289 host-responsible delay minutes per 10,000 train-miles for the month and 1,080 over the preceding twelve months. NS recorded 956 for the month and 909 over twelve months. Both carriers therefore exceeded Amtrak's target on both measures. Across the six major hosts, host railroads accounted for 65.8 percent of all delay minutes during

[15] RPA-1 at 8-9; RPA Exs. 4-5.

the twelve-month period, compared with 21.8 percent attributed to Amtrak and 12.3 percent to third parties.[16]

The route results are equally important. On NS, the *Blue Water*, *Crescent*, *Floridian*, *Lake Shore Limited*, *Pere Marquette*, and *Wolverine* exceeded the target in September and over the preceding twelve months; freight-train interference was the largest September category for each. On UP, the *Cascades*, *Coast Starlight*, *Gold Runner*, *Lincoln/Missouri* service, *Lincoln Service*, *Missouri River Runner*, *Pacific Surfliner*, *Sunset Limited*, and *Texas Eagle* exceeded the target in September and over the twelve-month period.[17]

The Board therefore is not choosing between a satisfactory status quo and a speculative possibility of future deterioration. It is evaluating whether Applicants have shown that an already strained passenger network can absorb merger-related traffic without frustrating statutory preference, public investments, existing schedules, or planned expansion. A statistical inability to detect additional worsening does not establish adequate service.

C. Chicago, Porter, and Cleveland combine added traffic, poor performance, and terminal risk.

Chicago illustrates why isolated line-capacity labels cannot answer a network question. Applicants project five additional daily freight trains on the Chicago-Porter corridor used by multiple Amtrak services; seven additional trains on the Porter-Toledo and Toledo-Cleveland pairings; and substantial changes on Metra's UP-West corridor, including fourteen additional trains between Kedzie and Proviso. Applicants also identify interchange and yard changes elsewhere in the Chicago terminal.[18]

[16] September Host Railroad Report 2, 4.
[17] *Id.* at 8.
[18] RPA-1 at 9-10, 18-19; RPA Ex. 2; RPA Workpaper 1, tab "Existing Service."

Those projections reach routes already experiencing substantial host delay. In September, NS recorded 1,072 host-responsible delay minutes per 10,000 train-miles on the *Lake Shore Limited*, 1,560 on the *Blue Water*, 1,336 on the *Pere Marquette*, and 2,094 on the *Wolverine*. Freight-train interference was the largest delay category for each. Their twelve-month results likewise exceeded the target.[19]

Applicants provide no terminal-wide passenger simulation or reconciled post-merger plan showing how the projected movements will coexist with peak-period commuter trains, intercity schedules, junction conflicts, yards, and passenger connections. Their separate assertions about line capacity, drayage reductions, yard-to-yard transfers, and individual passenger services do not establish that the Chicago network will remain fluid as a whole.

D. The New Orleans Back Belt combines a near-capacity calculation with systemwide passenger exposure.

Every existing Amtrak service using New Orleans traverses some portion of the Back Belt. Applicants project eight additional freight trains on that terminal corridor. For New Orleans-Oliver Junction, they project 20.0 trains per day against a stated fluid-capacity threshold of 20.1, or 99.7 percent utilization and a calculated margin of one-tenth of a train per day. The Zetenyi comparison contains no historical month at or above that projected utilization for either the *Crescent* or the *Mardi Gras Service*.[20]

Applicants answer that Amtrak does not traverse the most constrained single-track portion and that planned crossover projects will improve the Back Belt. Those facts sharpen the need for an operating demonstration. If a different track configuration governs Amtrak movements, Applicants should show the actual capacity, conflicts, and timetable on the tracks passenger trains

[19] September Host Railroad Report 8.
[20] RPA-1 at 17-18; RPA Ex. 2; July 27 Supplemental Response, Table PR-1, SUPP. PAGE 174; Zetenyi V.S. ¶ 31 n.23, SUPP. PAGE 390.

use. If the crossovers cure the constraint, their completion dates, capacity effects, contingencies, and passenger protections should be enforceable. Dividing the issue among a line-capacity calculation, general terminal assurances, and an historical regression does not show how the proposed movements will operate together.

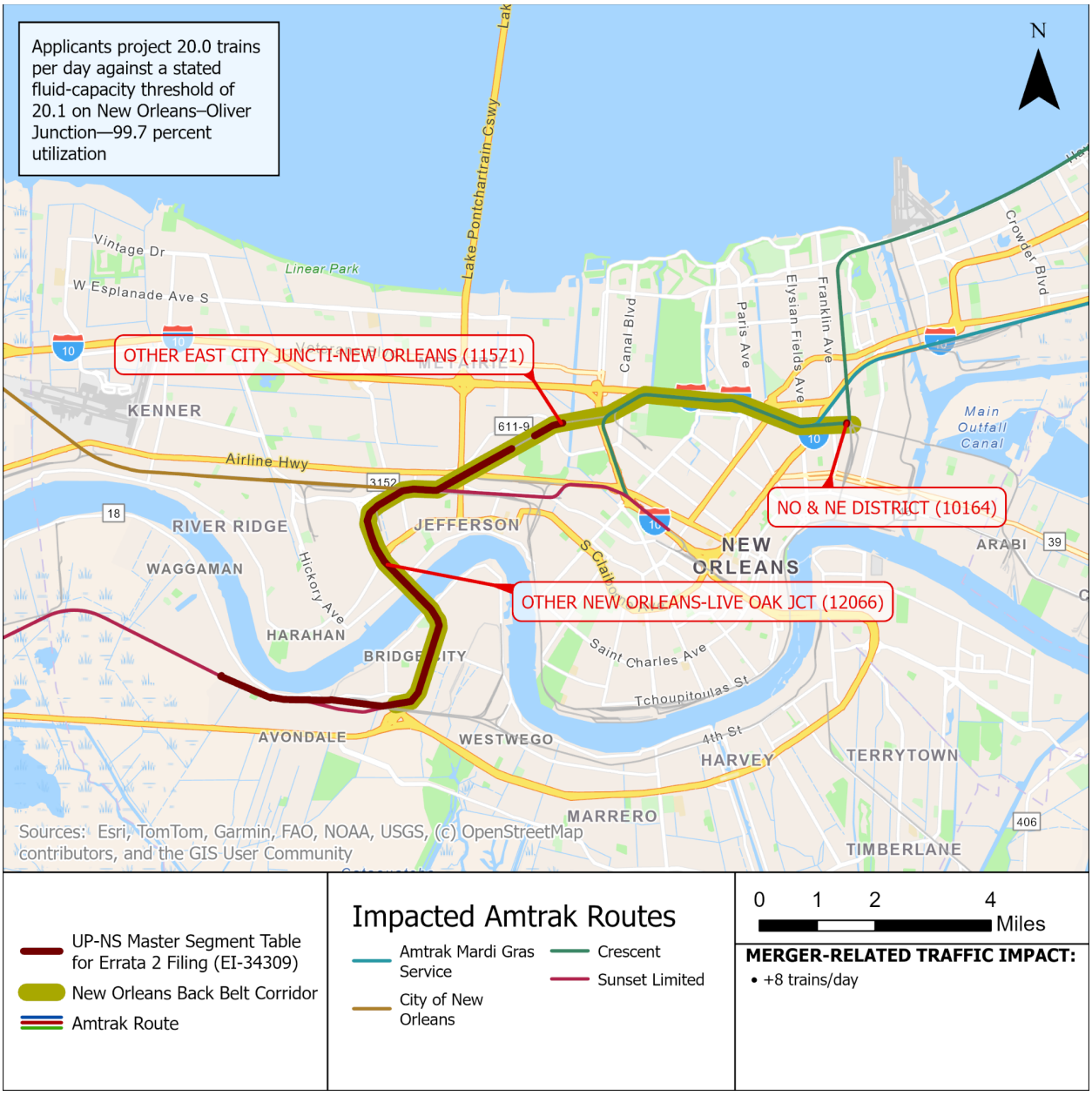


Figure 1. New Orleans Back Belt: Applicants' disclosed eight-train-per-day increase and New Orleans–Oliver Junction capacity comparison.

E. Pittsburgh-Harrisburg shows why public passenger investment cannot be treated as unused freight capacity.

Applicants project seven additional daily freight trains on the Pittsburgh-Harrisburg corridor and cite capacity investment associated with PennDOT. On November 18, 2026, the same day these comments are due, Amtrak and PennDOT begin a second daily *Pennsylvanian* round trip over NS's Pittsburgh Line. PennDOT and Amtrak describe the service as the result of years of collaboration among PennDOT, Amtrak, Norfolk Southern, and FRA, as well as substantial Commonwealth and federal infrastructure and safety investment.[21]

RPA recognizes and welcomes NS's constructive participation in that expansion. This example, and several others in NS's recent history, shows that passenger growth on a freight railroad can succeed when the parties conduct corridor-specific planning, make defined investments, and enter concrete arrangements. Nonetheless, it also further demonstrates the inadequacy of Applicants' merger showing. If adding a single passenger round trip in Pennsylvania required years of planning and more than $200 million in contemplated infrastructure and safety work, Applicants must explain through schedules and operating evidence how *seven* additional daily freight trains will use that same corridor without consuming the operating margin created for passenger service.[22]

One passenger train and one freight train do not impose identical demands. The comparison, however, establishes the need to examine speed differentials, train length, meets and passes, maintenance windows, junctions, and terminal effects. Applicants' capacity label ("sufficient") and reliance on PennDOT investment provide no such analysis.

[21] Pennsylvania Department of Transportation, *Shapiro Administration Announces Second Daily Pennsylvanian Train from Harrisburg to Pittsburgh to Begin Service November 18* (Oct. 6, 2026); Amtrak, *Amtrak Expands Pennsylvanian Service with Second Daily Round Trip Beginning Nov. 18* (Oct. 7, 2026).

[22] RPA-1 at 10; RPA Ex. 2; Pennsylvania Department of Transportation, *Shapiro Administration Finalizes Agreement to Expand Passenger Rail Service in Western Pennsylvania* (Sept. 22, 2023).

F. Meridian-Atlanta presents major freight growth on a corridor with existing and planned passenger importance.

Applicants project ten additional daily freight trains between Meridian and Atlanta, one of the largest passenger-corridor increases disclosed in their tables. They identify Applicant-funded improvements, but do not provide a timetable-based demonstration showing how the added traffic, the *Crescent*, Atlanta terminal operations, and foreseeable passenger development will interact.[23]

The September Host Railroad Report shows NS responsible for 902 delay minutes per 10,000 train-miles on the *Crescent* during the month and 983 over the preceding twelve months, both above the target. Freight-train interference was the largest September delay category. The presence of planned capital work is relevant, but by itself proves little. The Board needs the projects' capacity effects, completion schedule, operating assumptions, contingencies, and passenger protections.

[23] RPA-1 at 9-10; RPA Ex. 2; September Host Railroad Report 8.

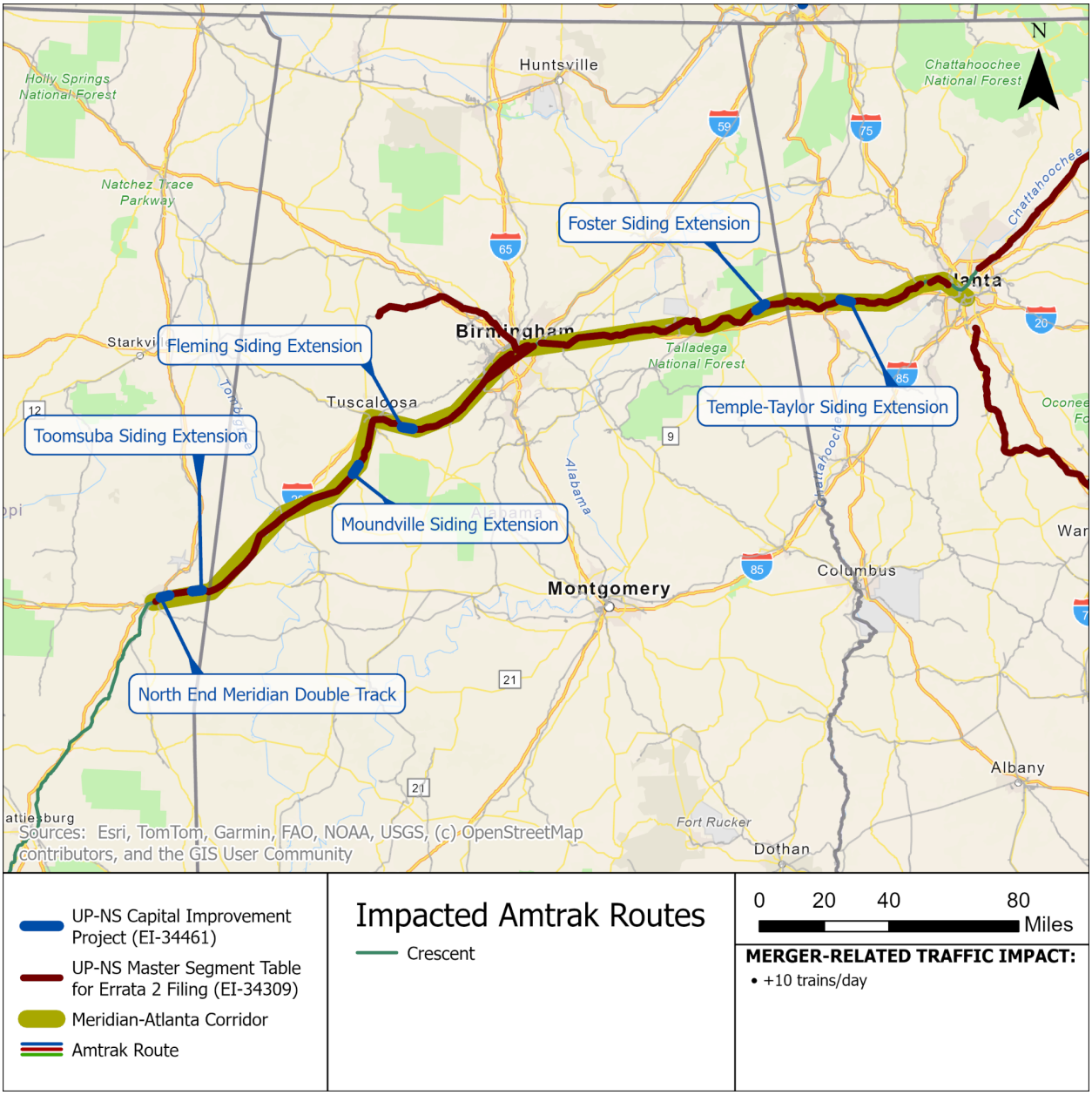


Figure 2. Meridian–Atlanta corridor: Applicants' disclosed ten-train-per-day increase and identified capital projects.

G. The Sunset Limited demonstrates both present harm and dependence on future capacity projects.

Applicants project two to eight additional daily freight trains on segments used by the *Sunset Limited*. On Wellton-Picacho, they report projected utilization of 94.2 percent. Elsewhere, they state that present fluid capacity is 35 trains per day and Growth Plan traffic would reach 35.8 trains by Year 3. The higher 38-train threshold assumes completion of the Mohawk-Stoval double-track project by the end of Year 2, subject to timely environmental review. They separately identify a Wellton-Noah connection that would raise capacity when an increase becomes "necessary," without a definite passenger-protective trigger.[24]

September performance confirms that the baseline remains inadequate. UP produced 1,186 host-responsible delay minutes per 10,000 train-miles on the *Sunset Limited* during the month and 1,175 over twelve months. Freight-train interference, at 737 minutes, was the largest September category. A model that cannot detect a statistically significant increase from this baseline does not establish that the service is adequately protected.[25]

The Board should not treat future project capacity as if it exists today nor assume the entire calculated margin is available for merger traffic. If the Transaction depends on Mohawk-Stoval, Wellton-Noah, or other projects, any approval must include enforceable milestones, completion requirements, contingencies, intervention triggers, and passenger remedies.

[24] RPA-1 at 16-17; RPA Ex. 2; July 27 Supplemental Response, SUPP. PAGES 95-97, 173-75, 179-80.
[25] September Host Railroad Report 8.



Figure 3. *Sunset Limited* western corridor: disclosed traffic growth and the Mohawk–Stoval double-track project.

H. Statutory preference and operating agreements allocate existing capacity; they do not create it.

Applicants contend that their analysis implicitly accounts for passenger trains because Amtrak possesses statutory preference and passenger carriers have operating agreements with UP and NS, but that reasoning sidesteps the physical and operational question. Preference and contracts determine how capacity should be allocated when freight and passenger trains compete. By themselves, however, they do not add a siding, crossover, receiving track, crew, terminal slot, or dispatching window.[26]

The September performance evidence shows that statutory and contractual obligations presently coexist with substantial host-responsible delay. Reciting the statutory and contractual obligations does not demonstrate the capacity to fulfill them after merger-related traffic is added. Nor do internal meetings, legacy passenger teams, future unified contacts, or the ability to reverse a train-plan change after performance deteriorates prevent passengers from absorbing the initial harm.

I. Publicly funded and third-party projects cannot become merger benefits or unprotected freight capacity.

RPA-1 identified six affected passenger-service pairings where Applicants' capacity conclusion depended on projects attributed to VPRA, NCDOT, or PennDOT. Those state and federally supported investments are not created by the merger and are not controlled entirely by Applicants.[27]

The 2001 rules require Applicants to discuss whether the particular benefits on which they rely could be achieved short of merger. 49 C.F.R. § 1180.6(b)(11); *Major Rail Consolidation*

[26] July 27 Supplemental Response, SUPP. PAGES 165-66, 178-79 (citing 49 U.S.C. § 24308 and existing passenger agreements); RPA-1 at 11-12.
[27] RPA-1 at 9-10, 18, 22; RPA Ex. 2; RPA Workpaper 1, tab "Existing Service."

Procedures, 5 S.T.B. 539, 558–59 (2001). The same discipline must govern passenger infrastructure. Applicants may not count an independent public project as a merger-generated benefit or rely on capacity created for passenger service without protecting the public purpose of that investment. If their adequacy finding depends on a third-party project, the combined carrier should be required to preserve the intended passenger capacity and supply equivalent capacity if the project is delayed, modified, or canceled.

III. THE ZETENYI ANALYSIS DOES NOT ESTABLISH THAT PASSENGER SERVICE WILL BE PROTECTED

A. The analysis merely accepts the inputs it purports to test.

Dr. Zetenyi states that he relied on data supplied by Applicants and did not independently verify segment selection, capacity calculations, train volumes, or Operating Plan projections. His analysis tests relationships within Applicants' chosen inputs. It does not validate the capacity model, establish that Applicants selected the operationally controlling segments, or determine that projected traffic can be operated as assumed.[28]

At the merits stage, Applicants bear the burden of demonstrating their methodology and assumptions; a regression performed on unverified capacity inputs cannot convert those inputs into substantial evidence.

B. One selected segment cannot represent an entire passenger service or terminal network.

For each passenger service, Applicants selected the growth-affected segment with the highest projected utilization and paired that segment's monthly utilization with the service's total monthly host-responsible delay. A passenger train may incur delay at a terminal, yard, junction, or

[28] Zetenyi V.S. ¶¶ 7-10, SUPP. PAGES 372-75.

another line segment far from the selected segment. Delay then propagates through the trip into connections, equipment turns, crews, and later departures.[29]

A statistical relationship between total route-level delay and utilization on one selected segment cannot demonstrate that the rest of the route or network is protected. The construction is especially weak for Chicago, New Orleans, and other terminal areas where several lines, carriers, yards, and passenger services converge.

C. Pooling different services does not cure thin experience at the projected utilization levels.

Nine of the 25 Relevant Passenger Services have no historical month at or above projected post-merger utilization. Five more have fewer than five qualifying months. One is ACE, for which Applicants' table reports no comparable host-responsible-delay metric. Among the Amtrak services, the *Capitol Corridor* and *Pennsylvanian* each have one qualifying month; the Richmond/Newport News/Norfolk service has two; and the *Texas Eagle* has four. One-third of all qualifying months occur on the *Missouri River Runner*, where Applicants project decreased utilization, not the increased utilization confronting most affected services.[30]

Pooling increases the number of observations but does not create route-specific experience where none exists. It assumes that relationships observed across different infrastructure, operating practices, climates, train mixes, and passenger schedules can answer what will happen on a particular constrained corridor. Service fixed effects address persistent average differences. They do not capture changing route-specific conditions, terminal interactions, maintenance windows, infrastructure outages, or the proposed train plan.

[29] *Id.* ¶¶ 7, 9, 16-18, SUPP. PAGES 372-74, 377-79.

[30] *Id.* ¶¶ 31-34 & Fig. 4 n.4, SUPP. PAGES 390-94. The nine services with no historical month at or above projected utilization are the *California Zephyr*, *Cardinal*, *Carolinian*, Christiansburg service, *Crescent*, *Mardi Gras Service*, *Piedmont*, Roanoke service, and VRE. See RPA-1 at 14-15.

D. Positive but imprecise coefficients do not prove a zero effect.

The raw data show a positive correlation between utilization and passenger delay. In the pooled fixed-effects regressions, both principal coefficients also remain positive: 2.317 additional host-responsible delay minutes per 10,000 train-miles for each percentage-point increase in utilization in the linear specification, and 0.371 in the log specification. The corresponding standard errors are 5.913 and 0.463.[31]

Those estimates are not statistically distinguishable from zero at conventional significance levels. That is a legitimate statement about imprecision; it is not, however, affirmative proof that the true effect is zero. Applicants provide no statistical-power analysis or minimum detectable effect demonstrating that the models can exclude a passenger harm small enough to evade significance but large enough to matter operationally. The wide uncertainty is a reason for caution, not a substitute for an operating plan.

E. The nonlinear analysis identifies, then discounts, the most relevant high-utilization result.

Dr. Zetenyi's Figure 7 estimates delay in successive ten-percentage-point utilization intervals. His footnote 31 reports that delay is statistically different between the 90%-100% and 100%-110% intervals. He attributes that result to unusually low estimated delay in the 90%-100% interval and then compares 80%-90% with 100%-110%, finding that the nonadjacent comparison is not significant.[32]

The additional comparison may support a hypothesis that the adjacent-bin result is anomalous. It does not erase the significant result actually obtained at the point where utilization crosses 100 percent. Nor does it resolve the visibly wide confidence intervals at high utilization or

[31] Zetenyi V.S. ¶¶ 26-29, 35-37 & Figs. 1-2, 6, SUPP. PAGES 385-88, 395-97.
[32] *Id.* ¶¶ 38-40 & Fig. 7 & n.31, SUPP. PAGES 397-99.

the limited number of observations in those bands. This reinforces the central problem: the historical data are too sparse and heterogeneous to carry the affirmative conclusion Applicants place upon them.

F. Historical monthly averages cannot reproduce the proposed operation.

Monthly utilization obscures time of day, direction, train length, speed, train mix, maintenance windows, crew and locomotive availability, meets and passes, junction conflicts, and whether yards and terminals can receive the traffic. Those factors determine whether a scheduled passenger train encounters added freight movement.[33]

The Zetenyi analysis therefore asks a narrower retrospective question: whether historical variation in one monthly average reliably predicts a broad monthly delay measure. It does not answer the prospective operating question the Board posed. Statistical analysis can supplement a credible train plan, but in no way can it replace one.

IV. APPLICANTS FAILED TO EVALUATE REASONABLY FORESEEABLE PASSENGER DEVELOPMENT

A. Corridor ID is a concrete federal development pipeline, not speculative aspiration.

Congress created the Corridor Identification and Development Program to facilitate development of intercity passenger rail corridors. 49 U.S.C. § 25101. FRA selected 69 projects across 44 states and supplied initial development funding. The portfolio includes restored routes, new corridors, additional frequencies, and improvements to existing services. It represents an authorized and funded planning pipeline.[34]

[33] RPA-1 at 13; July 27 Supplemental Response, SUPP. PAGE 170 n.317.

[34] 49 U.S.C. § 25101; Federal Railroad Administration, *FY22 Corridor Identification and Development Program Project Summaries* (Dec. 2023); Federal Railroad Administration, *Corridor Identification and Development Program* (last updated Dec. 18, 2025).

RPA's analysis filed with RPA-1 showed that 43 of the 69 projects, or 62.3 percent, potentially use UP or NS infrastructure. Twenty-two of those projects overlap at least one segment on which Applicants project added freight traffic. The Transaction therefore could give one combined carrier a decisive role in much of the Nation's federally selected passenger-development portfolio.[35]

Despite this outsize influence, Applicants' passenger analysis tests none of it. Their showing is organized around present routes, frequencies, schedules, and agreements. Even a complete demonstration that the Growth Plan could coexist with today's timetable would not establish that the combined carrier can accommodate development already moving through federal and state planning.

B. Launch of the second daily *Pennsylvanian* demonstrates why the inquiry must be forward-looking.

When RPA-1 was filed, the second daily *Pennsylvanian* was a planned service supported by agreements and public investment. On November 18, it becomes an operating service. Applicants' September environmental table acknowledges planned passenger growth on Pittsburgh Line segments arising from agreements that predate the Transaction.[36]

This development illustrates the error in Applicants' present-service benchmark. Merger proceedings and integration plans unfold over years, and passenger projects advance during that same period. A service does not remain legally or operationally irrelevant until its first train departs. The Board need not predict the final timetable for every Corridor ID project to require Applicants to identify likely overlaps, preserve reasonable capacity, and establish a process for accommodating projects that reach defined development milestones.

[35] RPA-1 at 20-22; RPA Ex. 3; RPA Workpaper 1, tab "Corridor ID." Potential ownership reflects alignments identified in the workpaper and may be refined as project sponsors complete service-development planning.
[36] Applicants, *Updated Master Data Tables for Second Errata Filing*, Master Data Table - Passenger Segments & Footnote 4 (Sept. 9, 2026).

C. Applicants apply incompatible standards of foreseeability to freight and passenger growth.

Applicants project freight growth over several years, identify future train volumes, credit future capital projects, and rely on that growth to claim merger benefits. Yet they simultaneously treat future passenger frequencies as too uncertain to analyze. That asymmetry is untenable. Both forecasts contain uncertainty. The correct response is transparent assumptions, sensitivity analysis, capacity preservation, and enforceable milestones — not counting one form of growth while ignoring the other.

The Board's policy is prospective. Mergers should strengthen the rail network's ability to sustain essential services and advance national growth. 49 C.F.R. § 1180.1(c)(2)(ii). The Service Assurance Plan must address infrastructure improvements related to future growth and their relationship to service delivery. *Id.* § 1180.10(d). The statutory inquiry asks whether transportation to the public will remain adequate, not whether the merged carrier can preserve a frozen timetable.

D. Cooperation outside the docket is not a substitute for enforceable commitments in it.

The second *Pennsylvanian* demonstrates that NS can cooperate constructively with public partners. Other UP and NS initiatives may do the same. RPA gives appropriate credit for those efforts. But the Board must decide this Application on the record before it and on conditions it can enforce.

A press statement, voluntary initiative, or private assurance may express good intentions. It does not establish how the Transaction will affect a particular schedule, preserve capacity through integration, bind a successor entity, create objective performance triggers, or supply a remedy if the assurance is not fulfilled. Applicants have had multiple opportunities to place concrete passenger commitments in the docket. They failed to take those opportunities, and the Board should not fill the resulting gaps with optimism.

V. THE BOARD SHOULD RELY ON TESTED EVIDENCE AND ENFORCEABLE COMMITMENTS, NOT STAKEHOLDER SILENCE

Decision No. 45 raises a record-integrity concern directly relevant to how the Board weighs evidence. After reviewing the public recording of UP Chief Executive Officer V. James Vena's SWARS remarks, the Board expressed "serious concerns" that the statements might influence stakeholders' willingness to participate or speak without fear of commercial repercussions. It held that perceived or actual retaliation can undermine the integrity of the process and may affect the weight assigned to support statements, the inferences drawn from participation, and the public-interest analysis.[37]

RPA does not ask the Board in this filing to resolve the disputed factual allegations addressed in Decision No. 45. Nor does RPA contend that every statement supporting the Transaction is coerced. The narrower point is evidentiary: the absence of public opposition from a passenger operator, state sponsor, commuter authority, or prospective corridor sponsor cannot establish that passenger impacts are immaterial.

Passenger entities depend on host railroads for daily dispatching, access, operating studies, infrastructure agreements, and future service negotiations. That structural dependence makes transparent modeling and enforceable conditions more important, not less. The Board should base its passenger findings on tested operating evidence and binding commitments rather than the apparent volume of support or silence in the docket.

[37] *Union Pac. Corp.—Control—Norfolk S. Corp.* (Decision No. 45), FD 36873, slip op. at 3-4 (STB served Nov. 4, 2026) ("Decision No. 45").

VI. IF THE BOARD DOES NOT DENY THE APPLICATION, IT SHOULD IMPOSE SPECIFIC AND ENFORCEABLE PASSENGER CONDITIONS

The Board has broad authority to condition a Class I consolidation to mitigate or offset public-interest harm. 49 U.S.C. § 11324(c); 49 C.F.R. § 1180.1(d). General promises to comply with existing law, communicate with passenger operators, and revisit problems after deterioration are inadequate. Any approval should, at minimum, require the following:[38]

1. **Preservation of existing passenger-service rights and remedies.** Consummation must not extinguish, impair, supersede, or diminish any passenger-service right, remedy, settlement obligation, contractual commitment, or other protection applicable to either Applicant. Those protections must remain enforceable against the appropriate successor entity according to their terms. The condition should preserve continuity without imposing uniformity or prejudging the jurisdiction of the Board, FRA, DOJ, or any court.[39]
2. **Passenger operating demonstrations.** Before implementing each material merger-related train-plan change on a passenger-used corridor, UP/NS must provide affected passenger operators and the Board with a route- and terminal-specific analysis of anticipated freight windows, passenger conflicts, meets and passes, train characteristics, yard and terminal capacity, maintenance windows, and contingency operations.
3. **Transparent modeling standard.** Any freight-passenger interaction analysis used to execute the Transaction or make merger-related route decisions must use stated assumptions, disclose data inputs and results under appropriate protective arrangements, and evaluate unreasonable impairment under 49 U.S.C. § 24308(e), rather than an unattainable "zero impact" standard.

[38] 49 U.S.C. § 11324(c); 49 C.F.R. § 1180.1(d).
[39] *See* Va. Code § 13.1-721(A)(3)-(4); *John Wiley & Sons, Inc. v. Livingston*, 376 U.S. 543, 550 n.3 (1964); RPA-1 at 23-24.

4. **Existing-service performance floors.** UP/NS must meet enforceable route-level standards for host-responsible delay and endpoint on-time performance. No route should be permitted to use an already deficient pre-merger result as its compliance floor.
5. **Public reporting.** UP/NS must publish monthly route- and host-segment passenger-performance reports, merger-related train-count changes, capacity utilization, infrastructure status, and identified passenger conflicts in a consistent form suitable for comparison with pre-merger benchmarks.
6. **Objective intervention triggers.** The conditions must define delay, utilization, terminal-dwell, missed-connection, and project-schedule thresholds that automatically require corrective action rather than leave intervention solely to internal discretion.
7. **Expedited passenger dispute resolution.** Amtrak, commuter authorities, states, and corridor sponsors must have access to an expedited Board-supervised procedure for disputes involving dispatching, access, performance, capacity studies, infrastructure requirements, and alleged retaliation.
8. **Capacity-investment commitments.** UP/NS must fund infrastructure required to prevent merger-related degradation of passenger service. If Applicants rely on a third-party project to support their Growth Plan, they must preserve the project's intended passenger capacity and provide equivalent capacity if it is delayed, altered, or canceled.
9. **Project-specific commitments.** Mohawk-Stoval, the New Orleans Back Belt crossovers, and any other project used to establish post-merger capacity must have enforceable completion dates, transparent milestones, contingency measures, and passenger-protective remedies.
10. **Corridor ID and foreseeable-growth protection.** UP/NS must identify and preserve reasonable capacity for Corridor ID projects and additional frequencies that reach CID

development milestones as defined in statute, and must participate promptly and in good faith in planning and operating studies.

11. **Independent validation.** Capacity models, material assumptions, and post-merger passenger-impact analyses must be available to affected passenger operators and qualified reviewers under appropriate protective arrangements, with independent validation where the Board relies upon them.
12. **Non-retaliation.** UP/NS must not retaliate or threaten retaliation against passenger operators, public sponsors, corridor proponents, associations, or other stakeholders for participating in Board proceedings, requesting operating information, pursuing enforcement, or advocating passenger-service improvements. The expedited procedure should permit confidential complaints where justified.
13. **Continuing oversight and supplemental relief.** Passenger conditions should remain subject to the Board's minimum five-year oversight, with authority to extend oversight, modify conditions, require capital work, or impose operational remedies if the promised protections do not materialize.

CONCLUSION

Consistent with Decision No. 37, RPA renews on the merits the passenger objections presented in RPA-1. The Board should deny the Application. Applicants have not shown how their projected freight growth will interact with scheduled passenger trains, protect an already inadequate performance baseline, preserve publicly funded passenger capacity, or accommodate reasonably foreseeable passenger development. Their historical statistical analysis does not supply the missing operating proof.

The passenger record is not merely a reason to demand better promises after approval. It is an independent reason Applicants have not carried the burden required for approval. The

governing statute includes passenger transportation; the Board's rules require Applicants to detail passenger impacts from increased traffic; and Decision No. 21 asked for the missing operating evidence directly. Applicants responded by asserting that the proposed merged operation poses no harm to passenger services without demonstrating that this is the case. On this record, the Board cannot reasonably find that the Transaction is consistent with the public interest.

At the absolute minimum, any approval should include the enforceable passenger conditions described above and any additional relief necessary to protect existing service, future development, public investment, and the integrity of passenger participation.

Respectfully submitted,
/s/ Jim Mathews
Jim Mathews
President & Chief Executive Officer
Rail Passengers Association
1200 G Street NW, Suite 520
Washington, DC 20005
(202) 408-8362
Email: jmathews@narprail.org
Dated: November 16, 2026

VERIFICATION

I, Jim Mathews, declare under penalty of perjury that I am President and Chief Executive Officer of the Rail Passengers Association; that I am authorized to submit this filing on its behalf; that I have read the foregoing; and that, to the best of my knowledge, information, and belief, the factual statements made on behalf of the Association are true and correct.

Executed on: November 16, 2026
/s/ Jim Mathews
Jim Mathews

CERTIFICATE OF SERVICE

I certify that on November 16, 2026, the foregoing document and its public exhibit were served by email on all parties of record in this proceeding, the Secretary of Transportation, the Attorney General of the United States, and Administrative Law Judge Jenifer Soulikias, consistent with 49 C.F.R. § 1104.12 and the Board's service directives in this docket.

/s/ Jim Mathews
Jim Mathews

LIST OF EXHIBITS

RPA Exhibit 6: Amtrak, *Host Railroad Report*, September 2026

Host Railroad Report

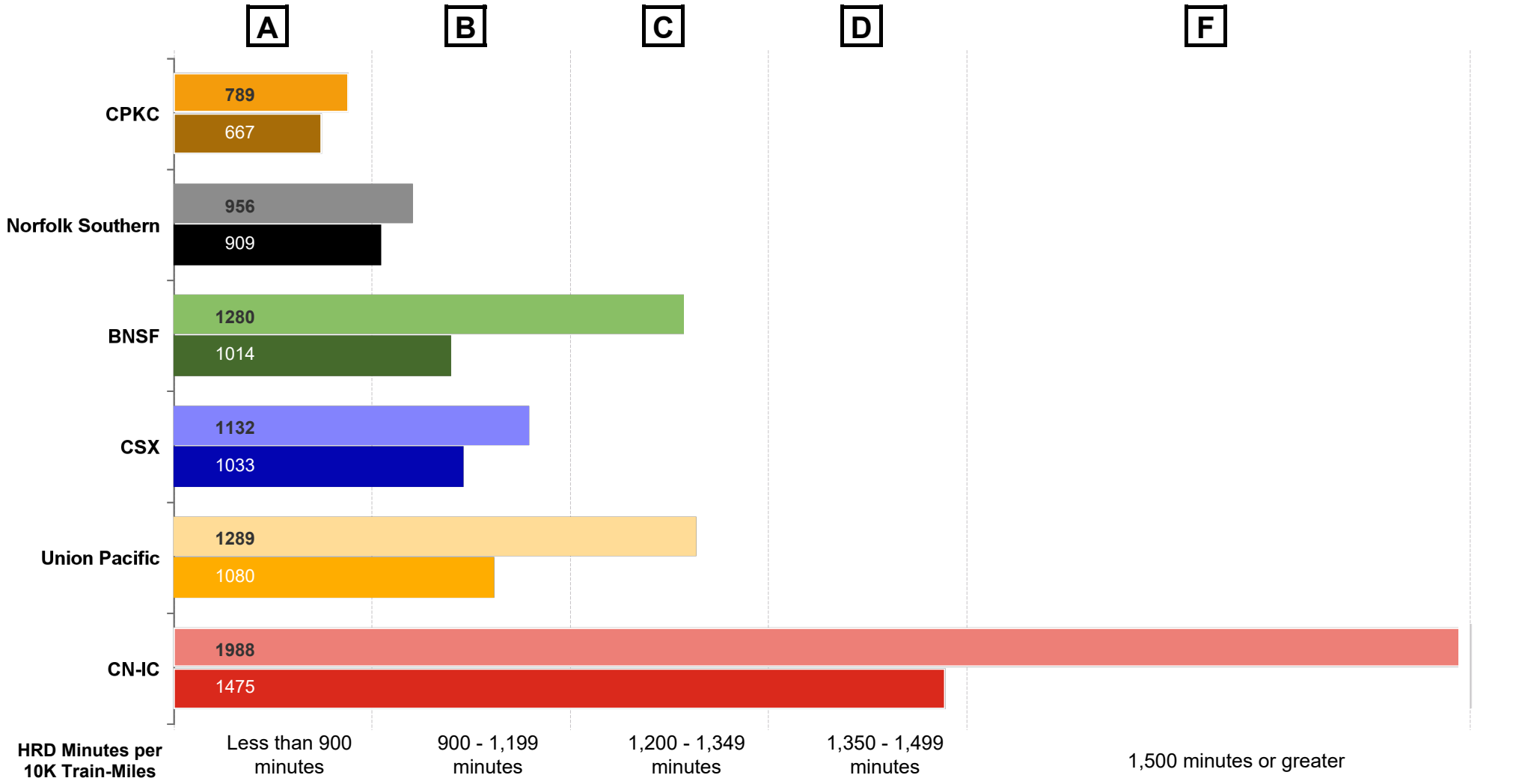
Amtrak Train Performance on Host Railroads

Data through September 2026

Host Railroad Report Card Update

Current Month and 1 Year Snapshot

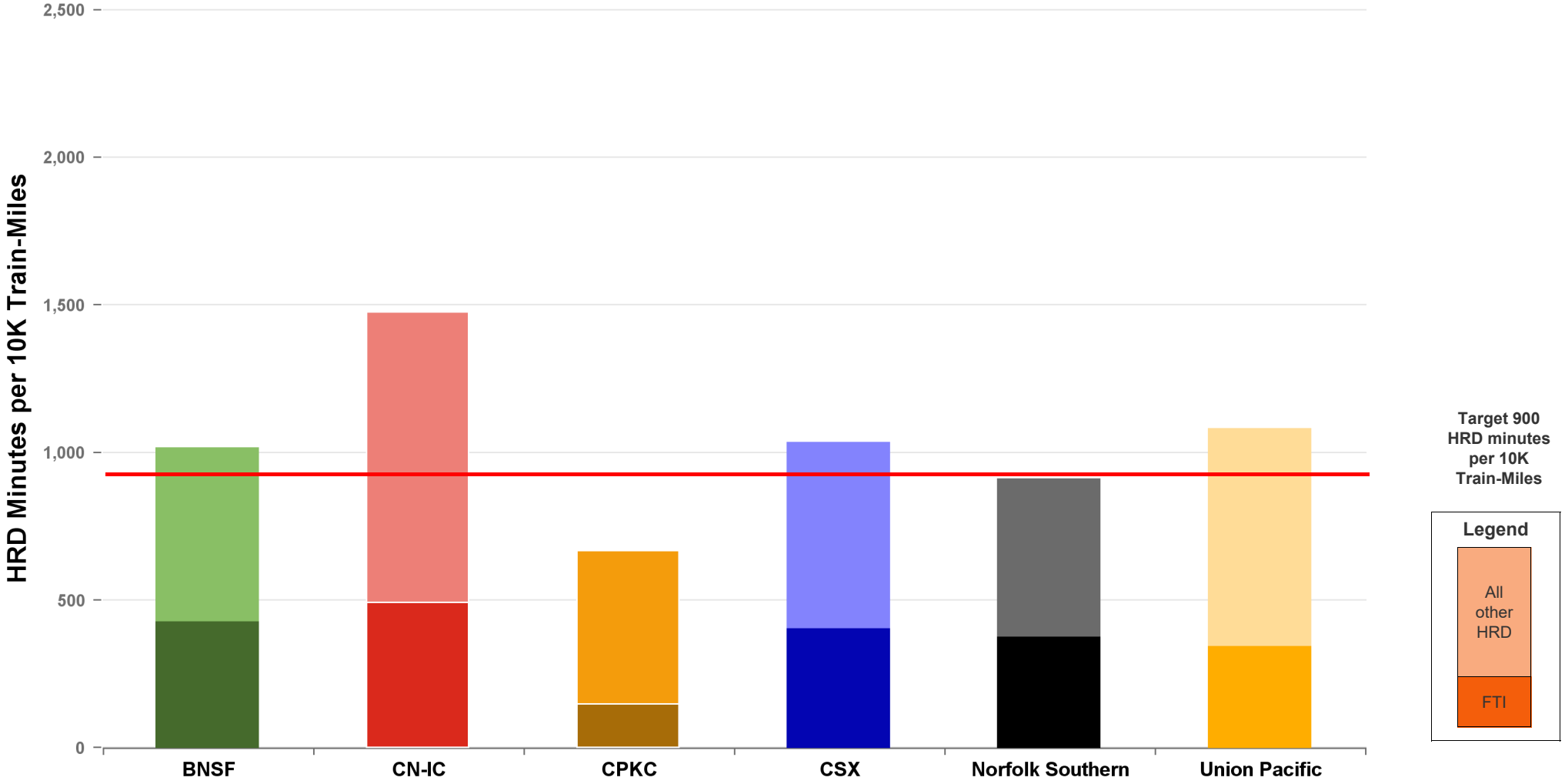
A monthly update of the Host Railroad Report Card, which grades the six major host railroads based on host responsible delay (HRD) minutes per 10,000 train-miles for the current month (lighter shade) and the most recent 12 months.



Total Host-Responsible Delays

1 Year Snapshot

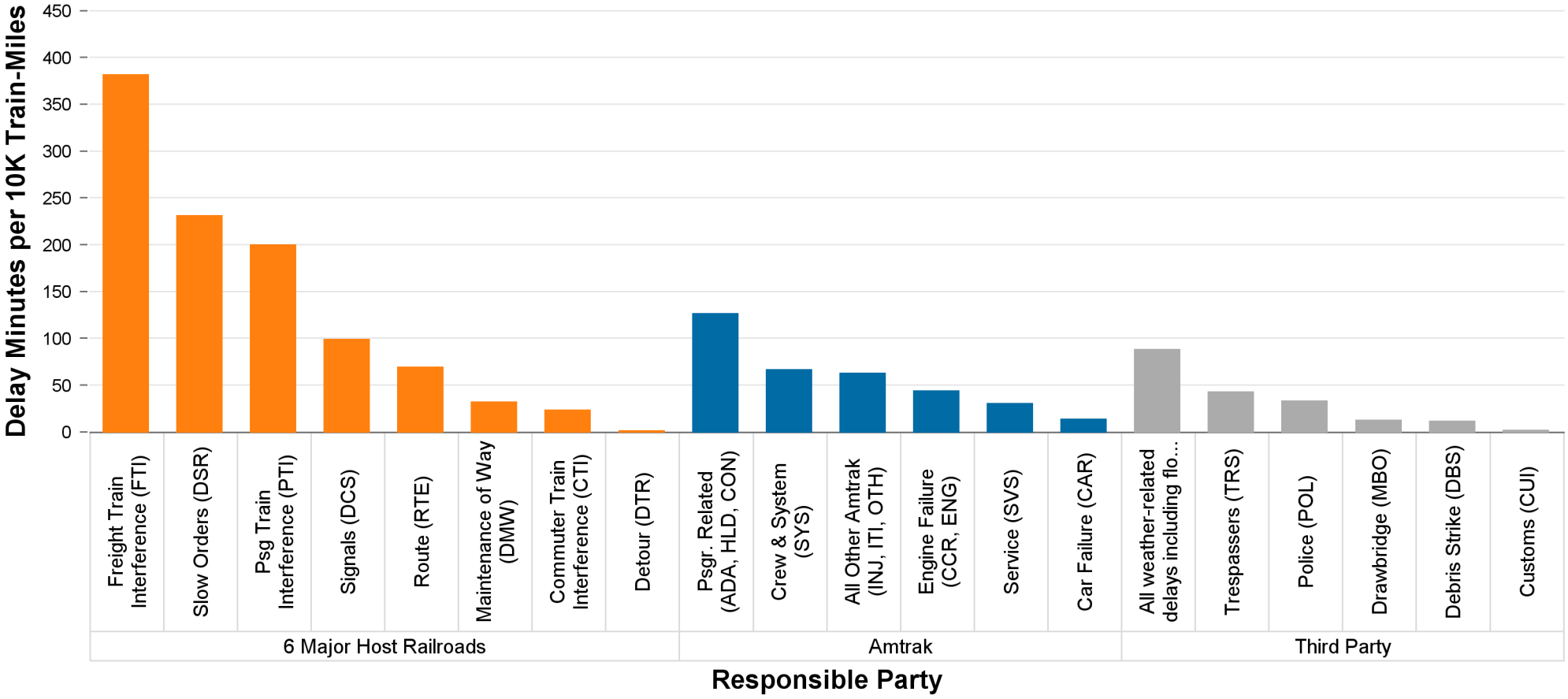
Total host-responsible delay (HRD) minutes per 10,000 train-miles incurred by Amtrak trains on the six major host railroads, with delays attributable to freight train interference (FTI) shaded.



Delays to Amtrak Trains by Responsible Party

1 Year Snapshot

Delay minutes per 10,000 train-miles on the six major host railroads categorized by delay type and responsible party.

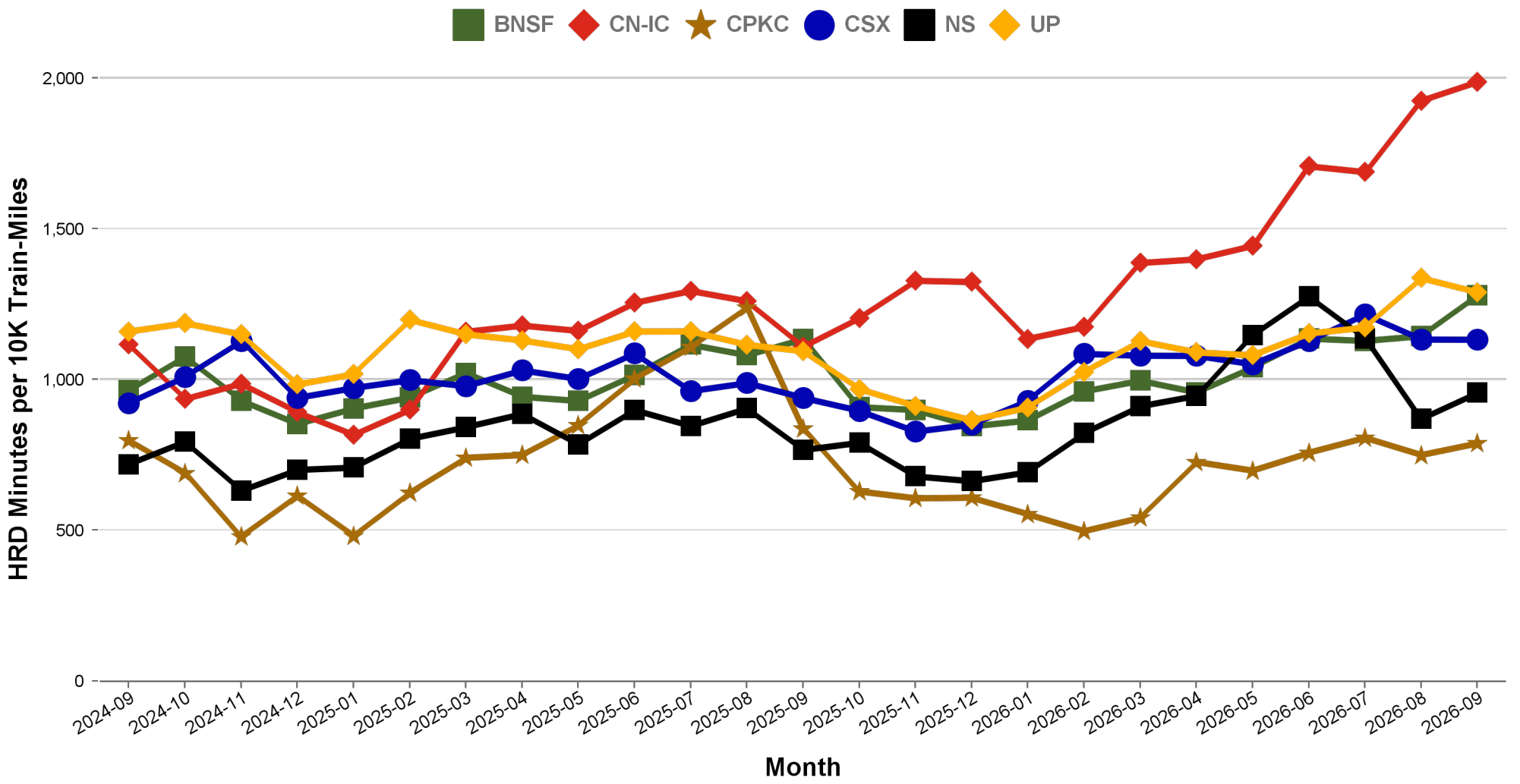


Responsible Party	6 Major Host Railroads	Amtrak	Third Party
Delay Minutes per 10K Train-Miles	1036	344	194
Percentage of Total Delays	65.8%	21.8%	12.3%

Total Host-Responsible Delays

2 Year Snapshot

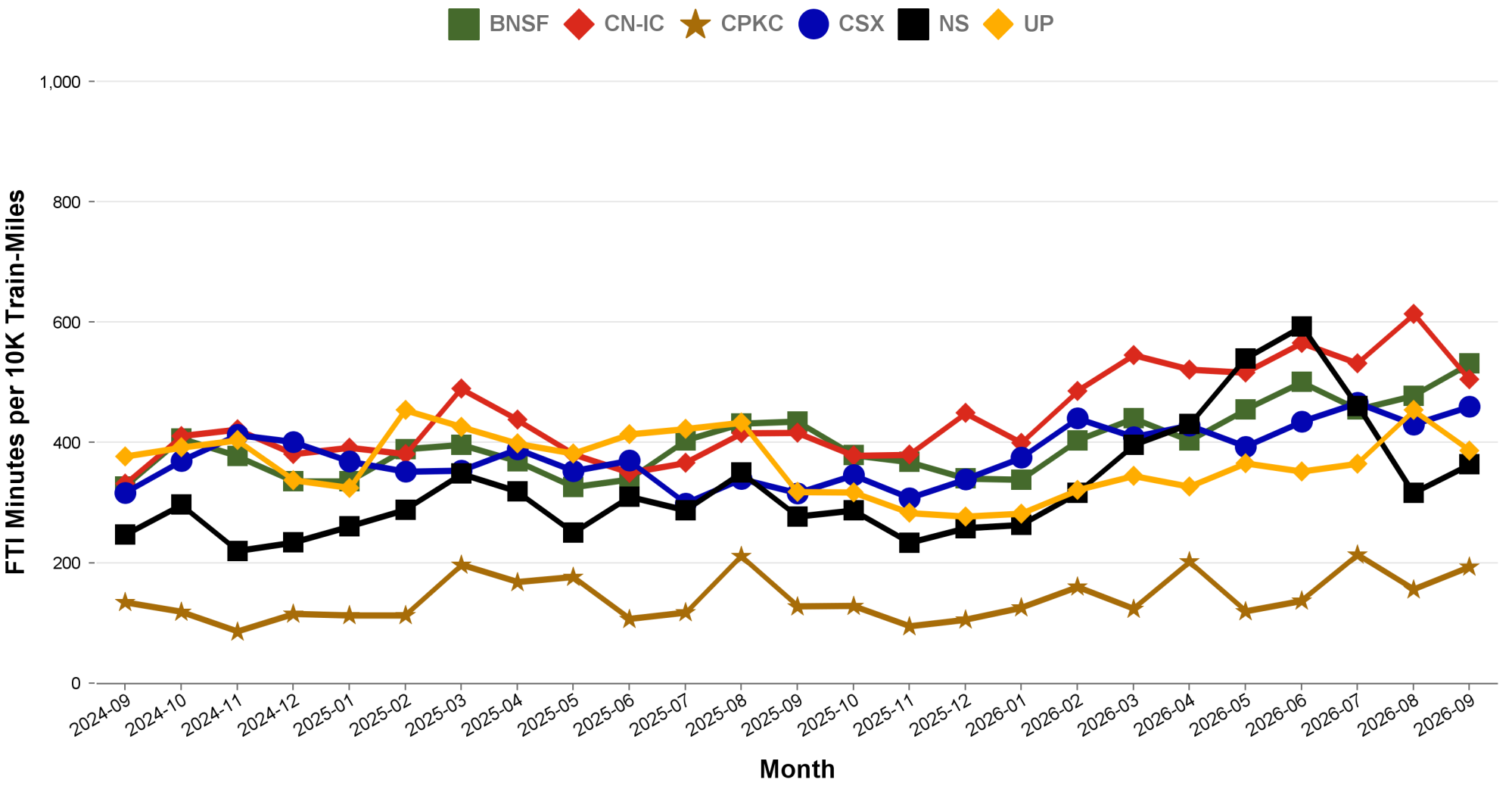
Total host-responsible delay (HRD) minutes per 10,000 train-miles incurred by Amtrak trains on each of the six major host railroads for the most recent two years.



Freight Train Interference Delays

2 Year Snapshot

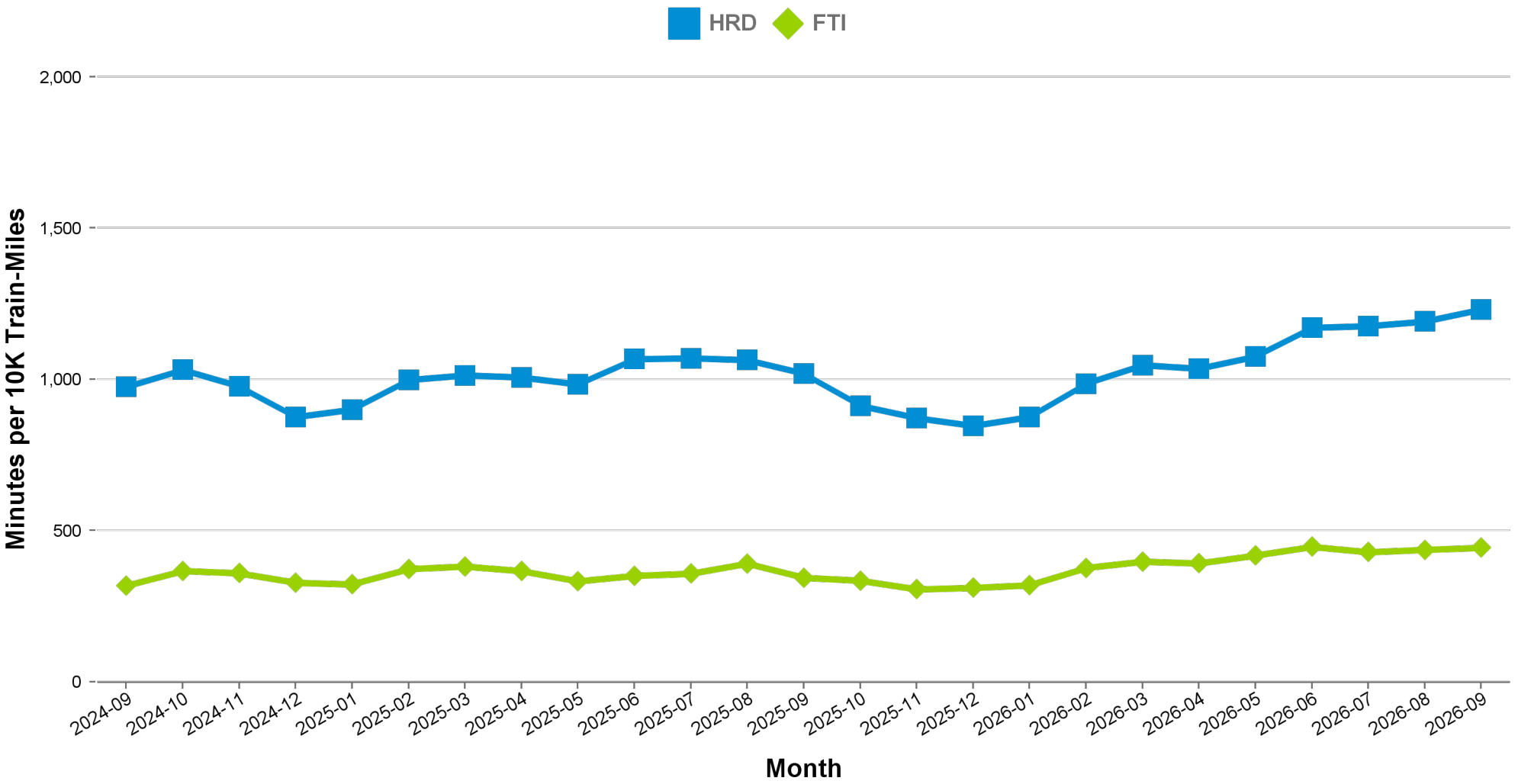
Total delay minutes per 10,000 train-miles attributable to freight train interference (FTI) incurred by Amtrak trains on each of the six major host railroads for the most recent two years.



Aggregated Host Railroad Performance Trend

2 Year Snapshot

Total host-responsible delay (HRD) and freight interference (FTI) minutes per 10,000 train-miles incurred by Amtrak trains, aggregated for the six major host railroads for the most recent two years.



Minutes of Delay per 10K Train Miles by Host for September 2026

Host	Service	Total Host Responsible Delays		Largest Two Delay Categories - Current Month				Route Miles
		Current Month	Most Recent 12 Months	#1		#2		
Target		**900**	**900**					
BNSF	California Zephyr	**1079**	849	DSR	393	FTI	340	1027
	Carl Sandburg / Illinois Zephyr	**965**	833	FTI	305	DSR	249	257
	Cascades	**990**	**1072**	FTI	257	PTI	242	317
	Coast Starlight	896	**933**	FTI	222	RTE	171	158
	Empire Builder	**1069**	**941**	FTI	715	DSR	174	2147
	Gold Runner	**1787**	**1107**	FTI	554	PTI	548	284
	Heartland Flyer	**2879**	**1963**	DSR	1876	FTI	788	236
	Pacific Surfliner	**1628**	**1208**	FTI	578	DCS	271	22
	Southwest Chief	**1149**	**944**	FTI	611	DSR	231	2206
	Sunset Ltd	**992**	**1067**	DSR	626	DCS	261	190
	Texas Eagle	**3181**	**1791**	DSR	1758	FTI	1031	116
CN-IC	Blue Water	**2140**	**1679**	DSR	1245	FTI	629	159
	City Of New Orleans	**2147**	**1386**	DSR	1001	FTI	529	930
	Illini / Saluki	**1179**	**965**	DSR	522	FTI	307	304
	Lincoln / Missouri	**2439**	**2596**	FTI	1244	DSR	569	35
	Lincoln Service	**1698**	**2119**	FTI	964	DSR	388	35
	Texas Eagle	**1210**	**2231**	FTI	855	DSR	306	35
	Wolverine	**6756**	**4210**	DSR	5077	DCS	595	27
CPKC	Adirondack	**966**	**964**	PTI	639	DSR	258	178
	Borealis	**977**	792	DSR	417	FTI	298	376
	Empire Builder	**1008**	690	DSR	330	FTI	299	384
	Ethan Allen Express	589	**1437**	PTI	326	FTI	138	60
	Hiawatha	237	186	DCS	69	DSR	49	53
CSX	Auto Train	**1478**	**1185**	FTI	809	DSR	321	898
	Cardinal	822	845	FTI	333	DSR	272	703
	Carolinian	**1648**	**1588**	FTI	464	PTI	449	295
	Downeaster	491	637	PTI	279	DCS	81	107
	Floridian	**1144**	**1036**	FTI	375	DSR	221	1413
	Lake Shore Ltd	879	856	FTI	366	RTE	125	741
	Maple Leaf	713	805	FTI	370	DSR	164	298
	Mardi Gras Service	**2787**	**2557**	FTI	1558	PTI	490	137
	New York - Niagara Falls	843	749	FTI	531	DSR	125	296
	Palmetto	**1168**	**1000**	FTI	579	PTI	185	659
	Pere Marquette	209	415	FTI	118	DCS	66	135
	Richmond / Newport News / Norfolk	**1250**	**1230**	FTI	298	DSR	271	189
	Silver Meteor	**993**	825	FTI	363	DSR	198	1152
NS	Blue Water	**1560**	**1986**	FTI	1144	CTI	137	39
	Cardinal	**1180**	**1270**	PTI	728	FTI	261	79
	Carolinian	**1107**	696	DSR	425	PTI	403	202
	Crescent	**902**	**983**	FTI	376	DSR	240	1141
	Floridian	**977**	**1038**	FTI	497	RTE	211	518
	Lake Shore Ltd	**1072**	**1052**	FTI	682	PTI	149	339
	Pennsylvanian	**1061**	765	DSR	515	FTI	264	249
	Pere Marquette	**1336**	**1495**	FTI	1001	DCS	96	39
	Piedmont	**1085**	742	DSR	520	PTI	188	173
	Richmond / Newport News / Norfolk	203	379	RTE	93	DCS	41	81
	Roanoke	543	607	PTI	211	FTI	180	216
	Wolverine	**2094**	**1903**	FTI	1225	DCS	277	39
UP	California Zephyr	847	819	FTI	302	DSR	269	1381
	Capitol Corridor	**988**	778	PTI	379	DSR	300	171
	Cascades	**1927**	**1557**	FTI	698	DSR	526	125
	Coast Starlight	**1249**	**1253**	DCS	338	DSR	315	1162
	Gold Runner	**1606**	**1281**	PTI	632	DSR	425	88
	Lincoln / Missouri	**1457**	**1014**	FTI	592	DSR	381	502
	Lincoln Service	**1127**	**991**	FTI	391	PTI	344	231
	Missouri	**1280**	**928**	FTI	438	DSR	401	271
	Pacific Surfliner	**2018**	**1326**	PTI	950	DCS	836	174
	Sunset Ltd	**1186**	**1175**	FTI	737	DSR	192	1784
	Texas Eagle	**1739**	**1392**	FTI	936	DSR	493	1073

Minutes of Delay per 10K Train Miles by Host for September 2026

Host	Service	Total Host Responsible Delays		Largest Two Delay Categories - Current Month				Route Miles
		Current Month	Most Recent 12 Months	#1		#2		
Target		**900**	**900**					
Amtrak	Adirondack	349	408	PTI	217	RTE	59	100
	Blue Water	180	267	DCS	71	DSR	57	99
	Ethan Allen Express	477	471	RTE	179	PTI	132	100
	Maple Leaf	355	417	PTI	105	RTE	99	109
	New York - Albany	432	370	PTI	140	DCS	83	81
	New York - Niagara Falls	494	376	PTI	207	DCS	121	109
	Wolverine	467	397	PTI	194	DSR	161	99
BBrRR	Cardinal	**3026**	**2095**	DSR	1853	PTI	559	132
CN-Canada	Adirondack	**4172**	**3059**	DSR	1867	FTI	998	49
Fla DOT	Floridian	**1152**	**1231**	CTI	594	DSR	320	70
	Silver Meteor	**1509**	**1337**	CTI	1030	DSR	322	70
FR	Auto Train	**5051**	**4307**	CTI	3579	DCS	746	16
	Floridian	**2170**	**2416**	CTI	1052	DSR	756	61
	Silver Meteor	**1822**	**2252**	CTI	661	DSR	457	61
MADOT	Springfield Shuttles	386	280	FTI	185	CTI	61	36
	Vermonter	614	439	DSR	358	DMW	206	50
MBTA	Downeaster	586	723	DCS	202	PTI	140	38
Metra	Borealis	**1061**	**1244**	CTI	528	DSR	176	33
	Empire Builder	**1320**	**1948**	CTI	802	FTI	171	29
	Hiawatha	**1410**	**1710**	CTI	1026	DCS	130	29
MIDOT	Blue Water	**1129**	495	DCS	894	PTI	220	22
	Wolverine	**1499**	797	PTI	774	DSR	501	134
MNRR	Acela	**2184**	**1859**	DSR	1284	CTI	416	56
	Adirondack	**1052**	**1212**	CTI	743	DSR	133	64
	Ethan Allen Express	**2415**	**2037**	CTI	1552	RTE	338	64
	Lake Shore Ltd	**1756**	**1201**	CTI	887	PTI	466	64
	Maple Leaf	**1614**	**1446**	CTI	1287	RTE	167	64
	New York - Albany	**1076**	**1025**	CTI	570	RTE	150	64
	New York - Niagara Falls	**1753**	**1222**	CTI	955	DMW	313	64
	Richmond / Newport News / Norfolk	**2226**	**1840**	DSR	1291	CTI	511	56
	Vermonter	**2868**	**2620**	DSR	1306	CTI	737	56
NECR	Vermonter	895	651	DSR	827	DMW	46	192
NMDOT	Southwest Chief	**3246**	**2070**	CTI	2339	PTI	729	80
SCRRA	Coast Starlight	**2013**	**1738**	PTI	1219	CTI	329	48
	Pacific Surfliner	**1508**	**1165**	CTI	590	PTI	446	95
SDNRR	Pacific Surfliner	**1748**	**1472**	CTI	631	PTI	427	60
Sounder	Cascades	**1319**	**1036**	PTI	560	DCS	516	20
	Coast Starlight	**2817**	**2390**	PTI	1225	CTI	858	20
TRE	Texas Eagle	**1393**	**1086**	RTE	755	FTI	258	33
VTR	Ethan Allen Express	230	489	DSR	104	DMW	82	91

The numbers included in this document are preliminary and are for informational purposes only.
Excludes hosts with fewer than 15 route miles.
Delays on the Amtrak-owned portion of the Northeast Corridor are shown in a separate report, with tighter delay standards.
Northeast Regional: Roanoke includes all trains between Roanoke and points on the NEC; Richmond / Newport News / Norfolk includes all trains between these locations and points on the NEC.

Minutes of Delay per 10K Train Miles by Service for September 2026

Service		Host	Total Host Responsible Delays		Largest Two Delay Categories - Current Month				Route Miles
			Current	Most	#1		#2		
Target			***900***	***900***					
Acela									
Acela		MNRR	**2184**	**1859**	DSR	1284	CTI	416	56
All Other NEC Corridor Routes									
Northeast Regional	Richmond / Newport News / Norfolk	CSX	**1250**	**1230**	FTI	298	DSR	271	189
		NS	203	379	RTE	93	DCS	41	81
		MNRR	**2226**	**1840**	DSR	1291	CTI	511	56
	Roanoke	NS	543	607	PTI	211	FTI	180	216
	Springfield Shuttles	MADOT	386	280	FTI	185	CTI	61	36

Minutes of Delay per 10K Train Miles by Service for September 2026

Service		Host	Total Host Responsible Delays		Largest Two Delay Categories - Current Month				Route Miles
			Current	Most	#1		#2		
Target			***900***	***900***					
Non-NEC Corridor Routes									
Borealis		CPKC	**977**	792	DSR	417	FTI	298	376
		Metra	**1061**	**1244**	CTI	528	DSR	176	33
Capitol Corridor		UP	**988**	778	PTI	379	DSR	300	171
Carolinian		CSX	**1648**	**1588**	FTI	464	PTI	449	295
		NS	**1107**	696	DSR	425	PTI	403	202
Cascades		BNSF	**990**	**1072**	FTI	257	PTI	242	317
		UP	**1927**	**1557**	FTI	698	DSR	526	125
		Sounder	**1319**	**1036**	PTI	560	DCS	516	20
Downeaster		CSX	491	637	PTI	279	DCS	81	107
		MBTA	586	723	DCS	202	PTI	140	38
Empire	Adirondack	CPKC	**966**	**964**	PTI	639	DSR	258	178
		Amtrak	349	408	PTI	217	RTE	59	100
		CN-Canada	**4172**	**3059**	DSR	1867	FTI	998	49
		MNRR	**1052**	**1212**	CTI	743	DSR	133	64
	Ethan Allen Express	CPKC	589	**1437**	PTI	326	FTI	138	60
		Amtrak	477	471	RTE	179	PTI	132	100
		MNRR	**2415**	**2037**	CTI	1552	RTE	338	64
		VTR	230	489	DSR	104	DMW	82	91
	Maple Leaf	CSX	713	805	FTI	370	DSR	164	298
		Amtrak	355	417	PTI	105	RTE	99	109
		MNRR	**1614**	**1446**	CTI	1287	RTE	167	64
	New York - Albany	Amtrak	432	370	PTI	140	DCS	83	81
		MNRR	**1076**	**1025**	CTI	570	RTE	150	64
	New York - Niagara Falls	CSX	843	749	FTI	531	DSR	125	296
		Amtrak	494	376	PTI	207	DCS	121	109
		MNRR	**1753**	**1222**	CTI	955	DMW	313	64
Gold Runner		BNSF	**1787**	**1107**	FTI	554	PTI	548	284
		UP	**1606**	**1281**	PTI	632	DSR	425	88
Heartland Flyer		BNSF	**2879**	**1963**	DSR	1876	FTI	788	236
Hiawatha		CPKC	237	186	DCS	69	DSR	49	53
		Metra	**1410**	**1710**	CTI	1026	DCS	130	29
Illinois	Carl Sandburg / Illinois Zephyr	BNSF	**965**	833	FTI	305	DSR	249	257
	Illini / Saluki	CN-IC	**1179**	**965**	DSR	522	FTI	307	304
	Lincoln Service	CN-IC	**1698**	**2119**	FTI	964	DSR	388	35
		UP	**1127**	**991**	FTI	391	PTI	344	231
Lincoln / Missouri		CN-IC	**2439**	**2596**	FTI	1244	DSR	569	35
		UP	**1457**	**1014**	FTI	592	DSR	381	502
Mardi Gras Service		CSX	**2787**	**2557**	FTI	1558	PTI	490	137
Michigan	Blue Water	CN-IC	**2140**	**1679**	DSR	1245	FTI	629	159
		NS	**1560**	**1986**	FTI	1144	CTI	137	39
		Amtrak	180	267	DCS	71	DSR	57	99
		MIDOT	**1129**	495	DCS	894	PTI	220	22
	Pere Marquette	CSX	209	415	FTI	118	DCS	66	135
		NS	**1336**	**1495**	FTI	1001	DCS	96	39
	Wolverine	CN-IC	**6756**	**4210**	DSR	5077	DCS	595	27
		NS	**2094**	**1903**	FTI	1225	DCS	277	39
		Amtrak	467	397	PTI	194	DSR	161	99
		MIDOT	**1499**	797	PTI	774	DSR	501	134
Missouri		UP	**1280**	**928**	FTI	438	DSR	401	271
Pacific Surfliner		BNSF	**1628**	**1208**	FTI	578	DCS	271	22
		UP	**2018**	**1326**	PTI	950	DCS	836	174
		SCRRA	**1508**	**1165**	CTI	590	PTI	446	95
		SDNRR	**1748**	**1472**	CTI	631	PTI	427	60
Pennsylvanian		NS	**1061**	765	DSR	515	FTI	264	249
Piedmont		NS	**1085**	742	DSR	520	PTI	188	173
Vermonter		MADOT	614	439	DSR	358	DMW	206	50
		MNRR	**2868**	**2620**	DSR	1306	CTI	737	56
		NECR	895	651	DSR	827	DMW	46	192

Minutes of Delay per 10K Train Miles by Service for September 2026

Service	Host	Total Host Responsible Delays		Largest Two Delay Categories - Current Month				Route Miles
		Current	Most	#1		#2		
Target		***900***	***900***					
Long-Distance Routes								
Auto Train	CSX	**1478**	**1185**	FTI	809	DSR	321	898
	FR	**5051**	**4307**	CTI	3579	DCS	746	16
California Zephyr	BNSF	**1079**	849	DSR	393	FTI	340	1027
	UP	847	819	FTI	302	DSR	269	1381
Cardinal	CSX	822	845	FTI	333	DSR	272	703
	NS	**1180**	**1270**	PTI	728	FTI	261	79
	BBrRR	**3026**	**2095**	DSR	1853	PTI	559	132
City Of New Orleans	CN-IC	**2147**	**1386**	DSR	1001	FTI	529	930
Coast Starlight	BNSF	896	**933**	FTI	222	RTE	171	158
	UP	**1249**	**1253**	DCS	338	DSR	315	1162
	SCRRA	**2013**	**1738**	PTI	1219	CTI	329	48
	Sounder	**2817**	**2390**	PTI	1225	CTI	858	20
Crescent	NS	**902**	**983**	FTI	376	DSR	240	1141
Empire Builder	BNSF	**1069**	**941**	FTI	715	DSR	174	2147
	CPKC	**1008**	690	DSR	330	FTI	299	384
	Metra	**1320**	**1948**	CTI	802	FTI	171	29
Floridian	CSX	**1144**	**1036**	FTI	375	DSR	221	1413
	NS	**977**	**1038**	FTI	497	RTE	211	518
	Fla DOT	**1152**	**1231**	CTI	594	DSR	320	70
	FR	**2170**	**2416**	CTI	1052	DSR	756	61
Lake Shore Ltd	CSX	879	856	FTI	366	RTE	125	741
	NS	**1072**	**1052**	FTI	682	PTI	149	339
	MNRR	**1756**	**1201**	CTI	887	PTI	466	64
Palmetto	CSX	**1168**	**1000**	FTI	579	PTI	185	659
Silver Meteor	CSX	**993**	825	FTI	363	DSR	198	1152
	Fla DOT	**1509**	**1337**	CTI	1030	DSR	322	70
	FR	**1822**	**2252**	CTI	661	DSR	457	61
Southwest Chief	BNSF	**1149**	**944**	FTI	611	DSR	231	2206
	NMDOT	**3246**	**2070**	CTI	2339	PTI	729	80
Sunset Ltd	BNSF	**992**	**1067**	DSR	626	DCS	261	190
	UP	**1186**	**1175**	FTI	737	DSR	192	1784
Texas Eagle	BNSF	**3181**	**1791**	DSR	1758	FTI	1031	116
	CN-IC	**1210**	**2231**	FTI	855	DSR	306	35
	UP	**1739**	**1392**	FTI	936	DSR	493	1073
	TRE	**1393**	**1086**	RTE	755	FTI	258	33

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Host Railroad Report - All-Stations and Customer OTP for September 2026

Service	All-Stations OTP		Customer OTP		Avg Mins Late per Late Rider**	
	Current Month	Most Recent 12 Months	Current Month	Most Recent 12 Months	Current Month	Most Recent 12 Months
Amtrak System	**70.8%**	**74.5%**	**74.1%**	**74.4%**	**57**	**55**
NEC Corridor Routes	**80.9%**	**81.0%**	**82.1%**	**78.2%**	**42**	**44**
Minimum Standard			**80.0%**	**80.0%**		
Acela*	82.2%	78.2%	84.2%	75.4%	40	43
Keystone	90.4%	91.2%	89.9%	90.1%	35	36
Northeast Regional	77.0%	78.2%	79.5%	76.3%	43	45
On Spine Northeast Regional	77.8%	79.6%	81.5%	78.7%	43	44
Richmond / Newport News / Norfolk	72.0%	73.4%	73.5%	70.6%	43	44
Roanoke	82.2%	80.2%	83.7%	78.2%	47	51
Springfield Shuttles	81.9%	82.6%	82.8%	83.9%	34	38
Non-NEC Corridor Routes	**72.0%**	**78.7%**	**70.2%**	**75.4%**	**48**	**46**
Minimum Standard			**80.0%**	**80.0%**		
Borealis	80.9%	83.3%	77.6%	78.5%	51	53
Capitol Corridor	86.6%	88.5%	82.9%	86.3%	34	37
Carolinian	73.5%	65.4%	71.4%	61.7%	57	51
Cascades	77.6%	76.4%	72.4%	71.9%	50	41
Downeaster	95.7%	91.0%	92.0%	88.5%	36	39
Empire	78.0%	77.0%	77.2%	75.5%	41	41
Adirondack	80.2%	74.6%	79.1%	68.7%	32	45
Berkshire Flyer	67.2%	60.1%	64.9%	49.9%	57	43
Ethan Allen Express	70.0%	70.5%	61.3%	61.4%	36	39
Maple Leaf	53.1%	59.2%	64.5%	61.3%	49	47
New York - Albany	89.0%	85.6%	85.5%	82.8%	37	37
New York - Niagara Falls	80.7%	80.6%	75.0%	77.5%	44	42
Gold Runner	48.4%	65.4%	39.6%	60.5%	53	50
Heartland Flyer	44.3%	63.2%	31.5%	56.0%	48	41
Hiawatha	93.8%	91.8%	92.3%	89.3%	35	41
Illinois	67.7%	74.8%	62.6%	71.1%	49	45
Carl Sandburg / Illinois Zephyr	72.1%	74.9%	68.5%	71.2%	42	42
Illini / Saluki	65.5%	77.5%	60.5%	73.8%	51	44
Lincoln Service	66.3%	72.6%	62.2%	69.3%	49	46
Lincoln / Missouri	37.2%	50.9%	28.6%	46.1%	74	56
Mardi Gras Service	80.7%	86.6%	76.7%	77.6%	63	48
Michigan	60.8%	68.1%	63.8%	66.3%	55	56
Blue Water	75.2%	67.6%	68.7%	59.9%	60	58
Pere Marquette	80.3%	81.6%	84.5%	81.4%	51	61
Wolverine	53.9%	66.4%	57.5%	65.6%	53	55
Missouri	58.5%	73.0%	42.0%	68.4%	46	49
Pacific Surfliner	62.9%	81.8%	65.1%	79.7%	43	45
Pennsylvanian	79.6%	79.7%	82.0%	81.5%	55	53
Piedmont	88.0%	81.5%	78.3%	74.9%	50	39
Vermonter	65.5%	73.5%	65.4%	69.6%	43	41
Long-Distance Routes	**47.9%**	**51.0%**	**50.0%**	**55.4%**	**98**	**96**
Minimum Standard			**80.0%**	**80.0%**		
Auto Train	65.8%	77.3%	45.9%	64.6%	119	91
California Zephyr	52.3%	57.9%	58.9%	60.4%	135	105
Cardinal	43.6%	46.4%	41.1%	48.5%	94	99
City Of New Orleans	22.7%	52.3%	23.3%	61.9%	112	92
Coast Starlight	60.2%	61.7%	68.0%	64.7%	51	70
Crescent	76.3%	54.4%	79.9%	70.0%	44	74
Empire Builder	44.6%	47.4%	42.3%	49.4%	121	130
Floridian	30.8%	30.2%	30.7%	30.6%	111	115
Lake Shore Ltd	67.3%	67.0%	62.7%	69.0%	59	73
Palmetto	68.2%	69.8%	67.8%	68.6%	54	51
Silver Meteor	50.8%	54.7%	50.4%	53.1%	87	76
Southwest Chief	25.4%	34.1%	30.2%	33.6%	116	109
Sunset Ltd	48.4%	50.5%	60.1%	58.8%	76	107
Texas Eagle	34.3%	50.3%	38.9%	56.0%	91	97

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Northeast Regional: Roanoke includes all trains between Roanoke and points on the NEC; Richmond/Newport News/Norfolk includes all trains between these locations and points on the NEC.
* Acela on-time performance target is 90.0%
** Excludes on-time Customers

Host Railroad Responsible Delays

Code	Code Description	Explanation
CTI	Commuter Train Interference	Delays for meeting or following commuter trains
DCS	Signal Delays	Signal failure or All Other signal delays, wayside defect-detector false-alarms, defective road crossing protection, efficiency tests, drawbridge stuck open
DMW	Maintenance of Way	Maintenance of Way delays including holds for track repairs or MW foreman to clear
DSR	Slow Order Delays	Temporary slow orders, except heat or cold orders
DTR	Detour	Delays from detours
FTI	Freight Train Interference	Delays from freight trains
PTI	Passenger Train Interference	Delays for meeting or following All Other passenger trains
RTE	Routing	Routing-dispatching delays including diversions, late track bulletins, etc.

Amtrak Responsible Delays

Code	Code Description	Explanation
ADA	Passenger Related	All delays related to disabled passengers, wheel chair lifts, guide dogs, etc.
CAR	Car Failure	Mechanical failure on all types of cars
CCR	Cab Car Failure	Mechanical failure on Cab Cars
CON	Hold for Connection	Holding for connections from All Other trains or buses.
ENG	Locomotive Failure	Mechanical failure on engines.
HLD	Passenger Related	All delays related to passengers, checked-baggage, large groups, etc.
INJ	Injury Delay	Delay due to injured passengers or employees.
ITI	Initial Terminal Delay	Delay at initial terminal due to late arriving inbound trains causing late release of equipment.
OTH	Miscellaneous Delays	Lost-on-run, heavy trains, unable to make normal speed, etc.
SVS	Servicing	All switching and servicing delays
SYS	Crew & System	Delays related to crews including lateness, lone-engineer delays

Third-Party Delays

Code	Code Description	Explanation
CUI	Customs	U.S. and Canadian customs delays; Immigration-related delays
DBS	Debris	Debris strikes
MBO	Drawbridge Openings	Movable bridge openings for marine traffic where no bridge failure is involved
NOD	Unused Recovery Time	Wait for departure time
POL	Police-Related	Police/fire department holds on right-of-way or on-board trains
TRS	Trespassers	Trespasser incidents including road crossing accidents, trespasser / animal strikes, vehicle stuck on track ahead, bridge strikes
WTR	Weather-Related	All weather-related delays including floods/washouts, earthquake-related delays, heat or cold orders, slippery rail due to leaves

*These delay codes are applicable to Off-NEC routes only.