

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

Digest:¹ The Board orders Union Pacific Railroad Company, the Southern California Regional Rail Authority, and Canadian Pacific Kansas City Limited to provide more information about certain train delay events.

Decided: September 25, 2024

On February 13, 2024, the Acting Director of the Office of Passenger Rail issued a decision directing Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF), Canadian National Railway Company (CN) (operating through its subsidiary Illinois Central Railroad Company), the Southern California Regional Rail Authority (SCRRA), and the National Railroad Passenger Corp. (Amtrak) to provide narrative explanations of the root causes of 1,087 Amtrak train delay events to the *Sunset Limited* service.² Complaint & Pet. of the Nat’l R.R. Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak’s Sunset Ltd. Trains 1 & 2 (February 13 Decision), NOR 42175 (STB served Feb. 13, 2024). Each party was responsible for addressing any delay that was attributed to it based on Amtrak’s submitted train delay data. (See Amtrak Reply, Sept. 25, 2023 (“Public Workpapers,” (file name “Amtrak_STB_Native_0002.xlsx,” worksheet “CategorizedDelayDetails_v3M”)).)

On April 15, 2024, UP filed its first root cause narratives, which included an explanation for the cause of a 102-minute-long freight train interference (FTI) delay to Amtrak Train 2 that took place on November 12, 2021, on the Beaumont Subdivision. UP’s response indicated the

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol’y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² By decision served February 6, 2024, the Board delegated to the Director of the Office of Passenger Rail the ability to perform certain functions as part of this investigative proceeding, which includes directing parties to produce documents and information. 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 (STB served Feb. 6, 2024). However, for the reason discussed in note 3, *infra*, the Board is issuing this decision. This decision does not curtail any of the delegations previously made to the Director in this docket.

involvement of a Kansas City Southern Railway Company (KCS) train.³ (UP Reply 25, Sept. 9, 2024 (file “C UP Select Delays of 90 Minutes or More - Confidential.pdf”).)⁴

On June 4, 2024, UP filed its second submission of root cause narratives. Regarding a 42-minute freight train interference delay to Amtrak Train 1 on May 3, 2022, UP indicated involvement of a KCS train. (UP Reply 226, Sept. 9, 2024 (file “C Host-Responsible Delays AMT1 11-09-21 to 09-02-22 - Confidential”).)

On June 5, 2024, SCRRA filed its root cause narratives for the eight westbound *Sunset Limited* train delays attributed to SCRRA. For five of the delays,⁵ SCRRA asserts that “SCRRA in fact was not the host-responsible railroad,” explaining that “Amtrak originally asserted that SCRRA was the host railroad for a portion of the Sunset Limited route between El Monte[, Cal.] and Yuma Junction. Both Amtrak and Union Pacific have since agreed that this section of the Sunset Limited route is hosted by Union Pacific, not SCRRA.” (SCRRA Reply 4, June 5, 2024.)

On July 24, 2024, UP filed its third submission of root cause narratives, which included an 18-minute routing (RTE) delay to the Train 2 run that departed Los Angeles, Cal., at 10:00 p.m. on September 9, 2022 (Amtrak delay key number 2448131),⁶ on the Alhambra Subdivision at Yuma Junction. Amtrak attributed the delay to Train 2 being routed through the yard at LATC. UP stated that it is not able to confirm the delay and indicated involvement by SCRRA. (UP Reply 365, Sept. 9, 2024 (file “P Host-Responsible Delays AMT2 - Public.pdf”).) Amtrak also listed a 19-minute FTI delay to Train 2 on December 9, 2022, on the Lafayette Subdivision at Station 14. UP’s response indicated that the delay occurred at a location dispatched by KCS. (UP Reply 526, Sept. 9, 2024 (file “C Host-Responsible Delays AMT2 – Confidential”).)

Also on July 24, 2024, BNSF submitted root cause narratives for Train 2, which included two FTI delays that occurred between Lake Charles, La., and Iowa Junction: a 59-minute FTI

³ While attempting to avoid references to confidential or highly confidential information in Board decisions, the Board reserves the right to rely upon and disclose such information in decisions when necessary. Canadian Pac. Ry.—Control—Kan. City S., FD 36500, slip op. at 5 n.5 (STB served Mar. 15, 2023). In this case, the Board could not describe the delay events in adequate detail to direct necessary production without referring to information contained in documents filed as confidential.

⁴ Pursuant to Board order, 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 12 (STB served Aug. 19, 2024), UP reviewed its root cause narrative submissions; redesignated information considered “public,” “confidential,” and “highly confidential;” and refiled on September 9, 2024.

⁵ SCRRA identifies these delays by their Amtrak delay key numbers: 14462872, 14467574, 14470173, 14482461, and 14482958.

⁶ “Amtrak delay key numbers” can be found in Column C of Amtrak Reply, Sept. 25, 2023 (“Public Workpapers,” (file name “Amtrak_STB_Native_0002.xlsx,” worksheet “CategorizedDelayDetails_v3M”).)

delay to Amtrak Train 2 that had an origin date of April 3, 2022; and a 20-minute FTI delay to Amtrak Train 2 that had an origin date of September 25, 2022. (BNSF Reply 5, July 24, 2024.) BNSF states that UP is the host for the Lake Charles to Iowa Junction segment, and that BNSF has a limited role and does not control dispatching west of Iowa Junction.

Based on the narrative submissions and evidence provided, the Board requires more information to better understand the root cause of the delays listed in this decision. Accordingly, UP, Canadian Pacific Kansas City Limited (CPKC),⁷ and SCRRA will be required to submit the information specified below.

Regarding the three delay narratives submitted by UP that indicate KCS involvement, CPKC will be ordered to provide narrative explanations for the delay to Amtrak Train 2 on November 12, 2021; Amtrak Train 1 on May 3, 2022; and Amtrak Train 2 on December 9, 2022.

Regarding the five delays described above that SCRRA asserts were attributed incorrectly to SCRRA and should instead be attributed to UP, UP will be ordered to provide narrative explanations and supporting documentation.

Both UP and SCRRA should provide more information about the RTE delay to the Train 2 run that departed Los Angeles at 10:00 p.m. on September 9, 2022 (Amtrak delay key number 2448131). Specifically, UP and SCRRA should inform the Board as to whether Train 2 was routed on Alhambra subdivision main track 1, Alhambra subdivision main track 2, or another route from Yuma Junction to Aurant, and which railroad is responsible for the associated routing decisions.

Regarding the two FTI delays that occurred between Lake Charles and Iowa Junction, which BNSF asserts are UP-hosted delays, UP will be ordered to provide narrative explanations and supporting documentation.

Lastly, to the extent that these narrative explanations impact Amtrak's opening statement due October 7, 2024, Amtrak may, if needed, file a supplement to its opening statement concerning the delays addressed in this decision by October 24, 2024.

It is ordered:

1. UP shall provide five root cause narratives and all supporting documentation for delays identified by Amtrak delay key numbers: 14462872, 14467574, 14470173, 14482461, and 14482958 by October 10, 2024.

2. CPKC shall provide three root cause narratives and all supporting documentation for delays listed above in this decision to Amtrak Train 2 on November 12, 2021; Amtrak Train 1 on May 3, 2022; and Amtrak Train 2 on December 9, 2022, by October 10, 2024.

⁷ KCS merged with the Canadian Pacific Railway to form CPKC in 2023, Canadian Pac. Ry.—Control—Kan. City S., FD 36500 (STB served Mar. 15, 2023). Accordingly, CPKC is responsible for providing information related to KCS operations prior to the merger.

3. UP and SCRRA shall provide more information about the RTE delay to the Train 2 run that departed Los Angeles at 10:00 p.m. on September 9, 2022 (Amtrak delay key number 2448131), by October 10, 2024.

4. UP shall provide root cause narratives and all supporting documentation for the two delays listed above in this decision to the Amtrak Train 2 runs that had origin dates of April 3, 2022, and September 25, 2022, respectively, by October 10, 2024.

5. Amtrak may file a supplement to its opening statement concerning the delays addressed in this decision by October 24, 2024.

6. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.