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Docket No. NOR 42175

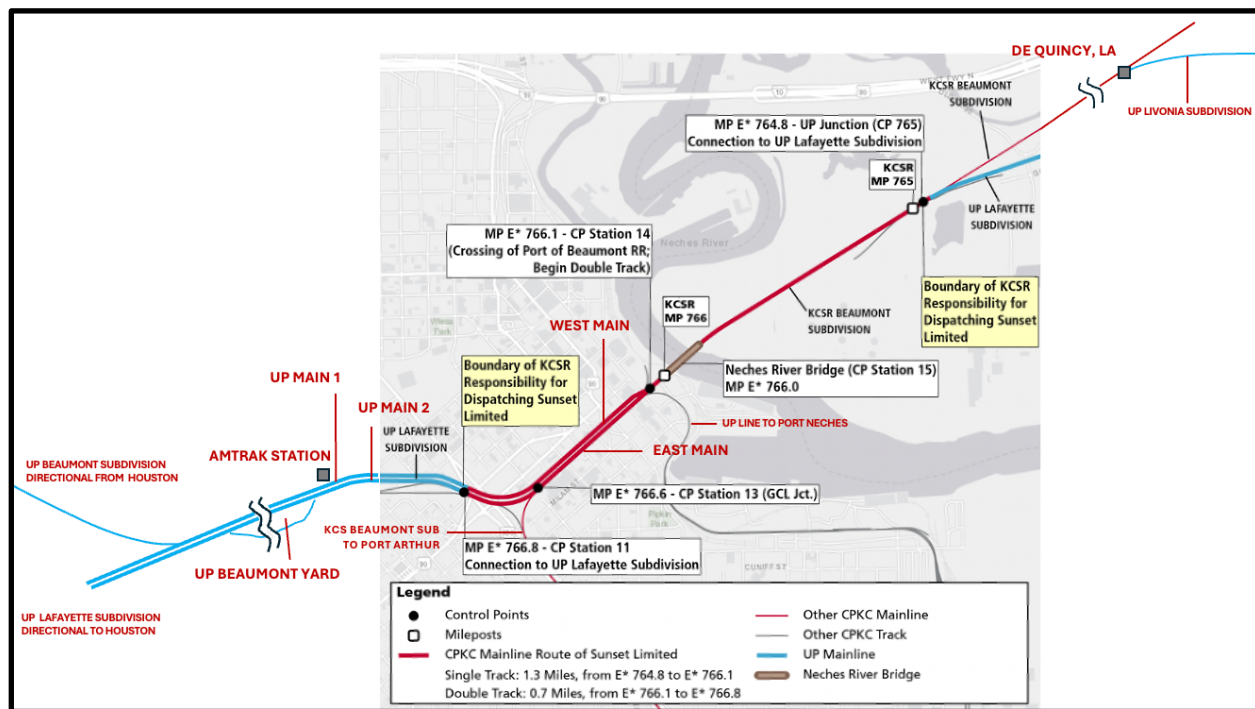
**COMPLAINT AND PETITION OF THE NATIONAL RAILROAD PASSENGER CORP.
UNDER 49 U.S.C. § 24308(f) FOR SUBSTANDARD PERFORMANCE OF AMTRAK'S
SUNSET LIMITED TRAINS 1 AND 2**

RESPONSE OF CPKC TO DECISION SERVED SEPTEMBER 26, 2024

Canadian Pacific Kansas City Limited (“CPKC”) hereby provides the narrative root cause explanations requested by the Board’s Decision herein served September 26, 2024. The explanations set forth below are based CPKC’s investigation to date and the information sources available for events that occurred two to three years ago.

Each of the delays at issue occurred in the vicinity of Beaumont, Texas. Our explanations below make reference to the map of the KCS trackage traversed by the *Sunset Limited* at Beaumont previously supplied to the Board on October 12, 2023 (as CPKC_SL_0000001_P). A version of that map with additional annotations to facilitate the discussion of the events described herein is set forth in Figure 1 below for ease of reference.

**FIGURE 1
MAP OF BEAUMONT AREA**



1. DELAY OF NOVEMBER 12, 2021 TO TRAIN 2

Amtrak’s records describe this delay as follows:¹

Train	Origin Date	From	To	Host RR	Mins	Delay Reason	Delay Segment Start Time	Delay Segment End Time
2	11/10/2021	HOS	BMT	UP	102	Blocked from station track up5810, up5624, Control Point, h441, Other, bmt depot	12:16 PM	5:02 PM

As the Board notes, UP’s root cause explanation “indicated the involvement of a Kansas City Southern Railway Company (KCS) train. (UP Reply 25, Sept. 9, 2024 (file ‘C UP Select Delays of 90 Minutes or More - Confidential.pdf’).”

¹ Amtrak delay records are drawn from Amtrak discovery file “AMTRAK_STB_NATIVE_0002.xlsx.”

Based on review of CPKC records, the lengthy delay to Amtrak Train 2, the eastbound Sunset Limited (AMTK2-10), was experienced during the afternoon of November 12, 2021 west of Amtrak's Beaumont Station. Amtrak's report that the delay involved two eastbound UP trains (lead locomotives UP 5810 and UP 5624) is partially correct. (As UP reports, those eastbound trains were MAGLIJ-11 and MSALIB-11). UP's report that this incident also involved a KCS local train is also partially correct. (Based on CPKC's records, the KCS local train UP refers to was westbound YBM100-12, lead locomotive KCS 2818).

CPKC's records show that the situation at Beaumont on the afternoon of November 12 was more complex than the Amtrak and UP descriptions suggest. In addition to the two UP eastbound trains and the KCS local, a UP westbound train (MLKBTT-12, lead locomotive UP 2631) and a UP local train (YBM60-12, lead locomotive UP 1532) were also involved.

CPKC records show the following chain of events:

- Prior to the arrival of AMTK2-10 west of Beaumont (with Amtrak's 102-minute delay commencing approximately 3:36 pm, UP eastbound train MSALIB-11 was stopped on UP Main 1, the track that AMTK2-10 needed to reach for its Beaumont station stop. At the same time, UP eastbound train MAGLIJ-11 was stopped on UP Main 2, with its rear end blocking a crossover that AMTK2-10 needed to use to reach UP Main 1 and the Beaumont station. UP local YBM60-12 was on the east end of UP Main 2, ahead of MAGLIJ-11. It appears that there was not a clear route for the two UP eastbound trains to proceed east of Beaumont as a result of other activity on UP's Lafayette Sub east of the Neches River Bridge.

- Westbound MLKBTT-12 (a 10,772 foot train) was sitting on UP's Lafayette Sub at UP MP 274.3761, blocking access to the Lafayette Sub for eastbound trains, from 3:34 pm to 4:03 pm.
- KCS local YBM100-12 had been switching at MP 764.5592 (east of the Bridge). It finished switching and proceeded west across the Bridge and south onto KCS's line towards Port Arthur, clearing the Bridge Block at 3:51 pm. Contrary to UP's description, this train did not experience any difficulty that extended its stay on the single-track segment.
- At 2:50 pm, UP local YBM60-12 moved east off of UP Main 2 onto the KCSR East Main and stopped short of the wye to allow YBM100-12 to proceed south. At 3:54 pm, YBM60-12 entered the Bridge Block and proceeded onto UP's line to Port Neches (west of the Bridge).
- Meanwhile, eastbound MAGLIJ-11 (the rear of which had been blocking the crossover AMTK2-10 needed to access UP Main 1, the station track) was given authority to proceed onto KCSR West Main and hold short of the Bridge.
- With KCSR East Main track now clear, MLKBTT-12 was authorized to proceed west across the Bridge and onto KCSR East Main, clearing the Bridge Block at 4:33 pm and also opening access to the Lafayette Sub east of the Bridge. MAGLIJ-11 proceeded east across the Bridge at 4:42 pm, as soon as MLKBTT-12 cleared.
- At 4:48 pm, after MAGLIJ-11 had cleared KCSR West Main, MSALIB-11 was authorized to move onto KCSR West Main, clearing the station track (UP Main

1). MSALIB-11 was staged short of the Bridge so that AMTK2-10 could run around that train using the KCSR East Main track.

- With the station track (UP Main 1) clear, AMTK2-10 made its station stop and proceeded east as soon as MLKBTT-12 cleared KCSR East Main. AMTK2-10 began moving at 5:20 pm on UP Main 1, crossed over to UP Main 2, and proceeded east on KCSR East Main, crossing the Bridge without further delay by 5:32 pm.
- To complete the picture, UP MSALIB-11 crossed the Neches River Bridge behind AMTK2-10 at 5:48 pm.

CPKC does not have knowledge of the circumstances that led to three UP freight trains blocking the movement of AMTK2-10 through the Beaumont terminal on the afternoon of November 12, 2021. It appears that CPKC’s dispatching of the single-track segment across the Neches River was carried out in a manner that expedited the movement of AMTK2-10 to the greatest extent possible given the constraints imposed by the locations of the UP trains.

2. DELAY OF MAY 3, 2022 TO TRAIN 1

Amtrak’s records describe this delay as follows:

Train	Origin Date	From	To	Host RR	Mins	Delay Reason	Delay Segment Start Time	Delay Segment End Time
1	5/01/2022	LCH	BMT	UP	42	Follow kcs4132w, Milepost, 277, 280	6:18 PM	11:53 PM

As the Board notes, UP’s root cause explanation “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’).”

Based on review of CPKC records, the delay to Amtrak Train 1, the westbound Sunset Limited (AMTK1-01), was experienced between approximately 11:02 pm and 11:42 pm on May 2, 2022,² at the connection between UP's Lafayette Sub and KCS's Beaumont Sub (which UP refers to as the DeQuincy Sub) at KCSR MP 765. Amtrak's report that the delay involved a KCS train (lead locomotive KCS 4132) is correct. UP's report is also correct that the KCS train proceeded past MP 765, came to a stop on the single-track Bridge Block, and then was shoved back east of MP 765 to allow AMTK1-01 to proceed west.

CPKC's records show that the KCS train was QKOQR-02, with lead locomotive KCSM 4132. That train was given authority to proceed west over the Neches River Bridge at 10:40 pm, more than 20 minutes before the arrival of AMTK1-01 at MP 765,³ with ample time to move onto the double track at the west end of the Bridge so as not to interfere with AMTK1-01. However, after moving approximately half a mile, QKOQR-02 came to a stop at 10:53 and remained stopped until 11:37 pm, when it made a reverse move that provided a clear route for AMTK1-01. QKOQR-02 cleared the Bridge Block at 11:41 pm, allowing AMTK1-01 to proceed immediately thereafter. The duration of QKOQR-02's stop is consistent with the need for train's conductor to walk the train and provide protection at the rear of the train for the reverse movement.

CPKC has not been able to determine why the QKOQR-02 came to a stop on the Bridge Block. CPKC has located no record of any mechanical defect, signal issue, or PTC-related issue. After AMTK1-01 crossed the Bridge, QKOQR-02 was able to proceed west across the Bridge without incident. Although somewhat speculative, it may have been the case that UP and KCS

² Amtrak may have recorded this delay as occurring on May 3 because AMTK1-01 departed Beaumont station very close to midnight local time (Central Time) on May 2.

³ AMTK1-01 began slowing for the approach to MP 765 at 11:02 pm.

dispatchers belatedly realized that there would not be a clear route for QKOQR-02 to proceed beyond Beaumont (onto UP’s Lafayette Sub) and chose to interrupt the train’s westward movement and move it back onto KCS’s Beaumont Subdivision so as not to cause an even longer delay to AMTK1-01. CPKC does not have knowledge of conditions on UP’s Lafayette Sub west of Beaumont on the evening of May 2, 2022.

3. DELAY OF DECEMBER 9, 2022 TO TRAIN 2

Amtrak’s records describe this delay as follows:

Train	Origin Date	From	To	Host RR	Mins	Delay Reason	Delay Segment Start Time	Delay Segment End Time
2	12/07/2022	BMT	LCH	UP	19	Meet up 4048 west, Other, sta 14	7:48 PM	9:30 PM

As the Board notes, UP’s root cause explanation “indicated that the delay occurred at a location dispatched by KCS. (UP Reply 526, Sept. 9, 2024 (file ‘C Host-Responsible Delays AMT2 – Confidential’).”

Based on review of CPKC records, the delay to Amtrak Train 2, the eastbound Sunset Limited (AMTK2-07), was experienced between approximately 7:54 pm and 8:13 pm on December 9, 2022, at the west end of the Neches River Bridge. Amtrak’s report that the delay involved a UP westbound train (lead locomotive UP 4048) is correct. UP’s report is also correct that the UP train (MLIEW-09) was a westbound manifest that KCS’s dispatcher cleared west across the Neches River Bridge prior to AMTK2-07 crossing the Bridge.

CPKC’s records show that the MLIEW-09 had operated across KCS’s Beaumont Sub between DeQuincy and Beaumont at track speed. It passed the approach signal east of the Neches River Bridge (where a restricting signal would have had to be displayed to slow the train for a stop prior to KCSR MP 765) at approximately 7:52 pm. AMTK2-07 had departed the

Beaumont passenger station at approximately 7:48 pm and was approaching Station 14 on the west side of the Bridge by 7:54 pm.

Ordinarily, one would expect MLIEW-09 to have been held at MP 765 to allow AMTK2-07 to proceed without delay. CPKC has not been able to determine the reasons for the dispatching decision to allow MLIEW-09 to proceed west across the Bridge while AMTK2-07 held at Station 14. Although somewhat speculative, it may have been the case that there was not yet a clear route for AMTK2-07 on UP's Lafayette Sub east of MP 765 that would have allowed AMTK2-07 to proceed, in which case the decision to allow MLIEW-09 to proceed would not have caused any incremental delay to AMTK2-07. CPKC does not have knowledge of conditions on UP's Lafayette Sub east of Beaumont on the evening of December 9, 2022.

Respectfully submitted,



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October 10, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2024, I caused a copy of the foregoing document to be served by email on Administrative Law Judge McCarthy and all parties of record in Docket No. NOR 42175.



David L. Meyer