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BEFORE THE
SURFACE TRANSPORTATION BOARD
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

**STATUS REPORT REGARDING ON-TIME PERFORMANCE OF
SUNSET LIMITED TRAINS**

Pursuant to Section 213 of the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”),¹ the National Railroad Passenger Corporation (“Amtrak”) respectfully submits this update regarding the customer on-time performance (“COTP”) of Amtrak’s Sunset Limited Service. Recent data continues to demonstrate performance below the minimum standard on this route and highlights the urgent need for investigation by the Surface Transportation Board (the “Board”).

On December 8, 2022, Amtrak submitted a Complaint and Petition to initiate a Board investigation into the substandard COTP of Amtrak’s Sunset Limited Service, including Amtrak Trains 1 and 2 (the “Sunset Limited Trains”). In the Complaint and Petition, Amtrak alleges that the Sunset Limited Trains unambiguously meet the requirements for a mandatory Board investigation because their COTP fell well below eighty percent for two consecutive calendar quarters.² Indeed, as Amtrak explained, COTP on this route has been unacceptably low for at least *four* consecutive calendar quarters, extending across all of Fiscal Year 2022. Amtrak’s data now

¹ Pub. L. 110-432, 122 Stat. 4848-27 (2008) (codified at 49 U.S.C. § 24308(f)).

² 49 U.S.C. § 24308(f); 49 C.F.R. § 273.5.

shows that COTP remained substandard during the first quarter of Fiscal Year 2023, the quarter that concluded after Amtrak filed its Complaint and Petition, as shown below:

Fiscal Year Quarter	Train 1 COTP	Train 2 COTP
1Q22 (October-December 2021)	40%	40%
2Q22 (January-March 2022)	24%	35%
3Q22 (April-June 2022)	10%	11%
4Q22 (July-September 2022)	11%	7%
1Q23 (October-December 2023)	31%	26%

During the first quarter of fiscal year 2023, Sunset Limited Train 1 registered 31% COTP and Sunset Limited Train 2 registered 26% COTP. These figures are still nowhere close to meeting the applicable COTP standard. The fact that Sunset Limited Trains continue to experience substandard performance, including in the calendar quarter immediately following those quarters on which Amtrak’s Complaint is based, underscores the need for an expeditious Board investigation that provides Amtrak with appropriate relief.³

Dated: March 13, 2023

Eleanor D. Acheson
Executive Vice President and General
Counsel
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001
(202) 253-2763

Respectfully submitted:

/s/ Jessica Ring Amunson
Jessica Ring Amunson
Alex Trepp
Kyle Tramonte
Jenner & Block LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
(202) 639-6000
jamunson@jenner.com
atrepp@jenner.com

³ As stated in its procedural proposal, Amtrak stands ready to provide the Board with whatever information and data the Board would find helpful in conducting the investigation. *See generally* Amtrak’s Proposed Procedures and Framework for Board Investigative and Remedial Phases of Proceeding Under 49 U.S.C. § 24308(f) at 2.

ktramonte@jenner.com

*Counsel for National Railroad Passenger
Corporation*

CERTIFICATE OF SERVICE

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

March 13, 2023

/s/ Jessica Ring Amunson
Jessica Ring Amunson