



SURFACE TRANSPORTATION BOARD

FOR RELEASE

08/19/2024 (Monday)
No. 24-33
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STB ESTABLISHES PROCEDURAL SCHEDULE AND ADDRESSES OTHER ISSUES IN AMTRAK SUNSET LIMITED ON-TIME PERFORMANCE PROCEEDING

The Surface Transportation Board today issued a decision to establish a procedural schedule, address several motions and filings, and provide other directives regarding the Board's investigation into the on-time performance (OTP) of Amtrak's *Sunset Limited* service between New Orleans, Louisiana and Los Angeles, California. The Board is establishing the procedural schedule in anticipation of the end of the discovery period on August 23, 2024, in the interest of advancing the proceeding.

On December 8, 2022, Amtrak submitted a Complaint and Petition for Board Investigation and Other Relief requesting that the Board initiate an investigation of the OTP on its *Sunset Limited* service. The 1,997-mile-long route travels mostly over track hosted by Union Pacific Railroad Company (UP).

The Board has authority to investigate when the OTP of any intercity passenger train averages less than 80 percent for two consecutive quarters. The purpose of a Board investigation is to determine whether and to what extent delays or failure to achieve the minimum standards are due to causes that could reasonably be addressed by the passenger rail operator or the host railroad.

On July 11, 2023, the Board determined that the standard for initiating an investigation had been met and began a first of its kind investigation. In addition to UP, the Board named other railroads that operate on the line as parties to the proceeding. The Board separated the proceeding into two stages, where Stage One contains the investigative and fact-finding portion, including the discovery period administered by an Administrative Law Judge (ALJ). At the end of Stage One, the Board will issue a decision with its findings. In Stage Two, the Board will consider damages and other relief, if applicable.

To date, the Board has appointed an investigative liaison; held a technical conference; conducted several rounds of information requests, including identifying a set of individual Amtrak train delays and directing the associated carriers to provide explanations as to the root causes of those incidents; appointed an ALJ to administer the discovery period; and has made several procedural decisions.

The discovery period was scheduled to end on December 20, 2023. However, the parties requested eight extensions, which extended the discovery period for more than eight additional months. Pursuant to the most recent extension, the discovery period will close on August 23, 2024.

Today's decision includes a directive to the parties that any further extension request to the ALJ must be in writing, with a copy sent to the Board, and must include a detailed explanation of the need for the requested relief. In addition, the decision states that the procedural schedule for pleadings will not be tolled or extended absent a Board order, and any further extensions will be disfavored.

The parties are also directed to prepare their briefs in this proceeding, and today's decision provides guidance on topics the parties must address in those briefs. Amtrak's opening statement is due by October 7, 2024. Railroad party replies to Amtrak's opening statement are due by December 23, 2024. Non-party replies are due January 22, 2025. Railroad party rebuttals to non-party replies are due February 21, 2025. Amtrak's rebuttal to all replies is due by February 21, 2025.

The Board also decided the following issues:

- The City of New Orleans is not a necessary party to this proceeding at this time.
- Amtrak's petition requesting the Board to issue a show-cause order regarding UP's preservation of dispatch playback records is denied.
- UP shall review and resubmit a version of its April 15, 2024, root cause narrative; its June 4, 2024, root cause narrative; and its June 14, 2024, root cause narrative with "Confidential" and/or "Highly Confidential" information redacted, including (where necessary) explanations for its redactions, in accordance with the direction in the decision, by September 9, 2024.
- UP shall inform the Board if any "Highly Confidential" information from the narrative has been shared with Amtrak in-house personnel by September 9, 2024.

The Board's decision in [Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308\(f\)—for Substandard Performance of Amtrak's Sunset Limited Trains 1 & 2, Docket No. NOR 42175](#), may be viewed and downloaded [here](#).

POSTED: 08/19/2024 03:31 PM