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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

**AMTRAK NOTIFICATION OF SETTLEMENT AND MOTION FOR
DISMISSAL OF COMPLAINT AND TERMINATION OF INVESTIGATION**

The National Railroad Passenger Corp. (“Amtrak”) hereby notifies the Surface Transportation Board (“Board”) that it has reached a settlement with Union Pacific Railroad (“Union Pacific”) regarding the performance of the Sunset Limited and therefore moves to dismiss its Complaint with prejudice and to terminate this proceeding. Amtrak is authorized to represent that all parties the Board has deemed are necessary parties to this investigation except Canadian Pacific Kansas City Limited (“CPKC”) consent to this requested relief.¹

Procedural History

On December 8, 2022, pursuant to the procedure established by Section 213 of the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”) and subsequently codified at

¹ The Sunset Limited travels mostly over track hosted by Union Pacific, as well as track owned or operated by Amtrak, BNSF Railway (“BNSF”), Canadian National (“CN”) (operating through its subsidiary Illinois Central Railroad Company), the New Orleans Public Belt Rail Corporation (“NOPB”), the Southern California Regional Rail Authority (“SCRRA”), and Canadian Pacific Kansas City Limited (“CPKC”), all of which the Board determined are necessary parties to the investigation. *See 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 10 (S.T.B. served July 11, 2023) (“July 2023 Decision”); *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 2-3 (S.T.B. served Sept. 12, 2023).

49 U.S.C. § 24308(f), Amtrak filed a Complaint with the Board alleging that passengers on Amtrak’s Sunset Limited service had been subject to deficient on-time performance for at least two consecutive calendar quarters, thereby requiring the Board to initiate an investigation pursuant to the mandatory terms of the statute.² Amtrak alleged that the substandard customer on-time performance on the Sunset Limited was due largely to causes that could be addressed by Union Pacific and further alleged that Union Pacific had violated Amtrak’s statutory right to preference over freight transportation. Amtrak did not allege any violations of Amtrak’s statutory preference rights as to any other party that hosts the Sunset Limited.

On July 11, 2023, the Board issued a decision opening an investigation.³ The Board ordered that its investigation would proceed in two stages. In Stage One, the parties would have an opportunity to present their cases, after which the Board would “determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over whose tracks the Sunset Limited operates or reasonably addressed by Amtrak or other intercity passenger rail operators.”⁴ The Board stated that in Stage One it would also “make recommendations regarding reasonable improvement measures identified in the course of its investigation” and would “issue a decision with its findings, including whether delays or failure to achieve minimum standards are attributable to a rail carrier’s failure to provide preference to Amtrak over freight transportation as required under 49 U.S.C. § 24308(c).”⁵ Stage Two would proceed only if the Board determined that delays were attributable to a rail carrier’s

² See generally Compl. & Pet.

³ July 2023 Decision at 1–2, App’x A.

⁴ *Id.* at 13.

⁵ *Id.*

failure to provide preference to Amtrak over freight transportation as required under 49 U.S.C. § 24308(c) and would determine the appropriate remedies as prescribed by statute.⁶

Over the course of the next two years, the parties engaged in party-led discovery and multiple rounds of briefing addressing various questions posed by the Board. Non-parties were also invited to submit briefs to the Board.⁷ The Board has not yet issued a decision with respect to Stage One of its investigation.

Discussion

The purpose of a proceeding under PRIIA Section 213, as codified at 49 U.S.C. § 24308(f), is to identify measures to improve the performance of Amtrak trains that have experienced substandard performance. Under the settlement that Amtrak has reached with Union Pacific in this matter, Union Pacific has made commitments regarding the Sunset Limited's customer on-time performance and has further agreed to consequences if it does not meet those commitments. Union Pacific has also agreed that all Union Pacific personnel with any responsibility for Amtrak service will receive continuous training and education as part of a compliance program to understand their responsibilities to Amtrak under federal law. Amtrak and Union Pacific have also agreed on a process by which they hope to certify a schedule for the Sunset Limited. Amtrak therefore believes that the parties have achieved an outcome in this proceeding that is fully consistent with the purposes of an investigation under PRIIA Section 213.

⁶ *Id.*

⁷ Se. Pennsylvania Transp. Auth. Reply (Jan. 21, 2025); Non-Party Reply of the Rail Passengers' Ass'n (Jan. 22, 2025); Reply of the N. Indiana Commuter Transp. Dist. (Jan. 22, 2025); Reply Comments of Massachusetts Bay Transp. Auth. (Jan. 22, 2025); Comments of Reason Found. (Jan. 22, 2025); Reply of the Commuter Rail Coal. (Jan. 22, 2025); Non-Party Reply from Ass'n for Innovative Passenger Rail Ops. (Jan. 22, 2025); Brief of the Ass'n of Am. R.R. (Jan. 22, 2025); Washington Legal Found. (Jan. 22, 2025).

Amtrak is extremely grateful to the Board and its Staff, including the Investigative Liaison, for the immense amount of time and effort invested in this first-of-its-kind proceeding. Amtrak also appreciates the good faith efforts of all parties, including Union Pacific, to examine the underlying performance issues on the Sunset Limited and to work collaboratively on solutions to drive sustained improvements. Under the Board's leadership, Amtrak and Union Pacific have reached a resolution that is in the public interest and is in keeping with Congress's goals in enacting PRIIA Section 213.

Amtrak therefore hereby moves to dismiss its Complaint with prejudice and to terminate these proceedings.

William Herrmann
Executive Vice President, Chief Legal Officer &
Corporate Secretary National Railroad Passenger
Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001

Respectfully submitted,

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

Andrew L. Osborne
Jocelyn A. Sitton
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350

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.

July 31, 2025

/s/ Jessica Ring Amunson

Jessica Ring Amunson