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October 29, 2015
SURFACE
TRANSPORTATION BOARD

October 29, 2015

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: **STB Finance Docket No. 35743, *Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(a) — Canadian National Railway Company***

Dear Ms. Brown:

Enclosed for filing in the above-referenced docket is a revised public version of the opening submission of the National Railroad Passenger Corporation ("Amtrak"). This version removes the confidentiality designation on some portions of the original public version.

We notified counsel for Grand Trunk Western Railroad and Illinois Central Railroad Company (together "CN") of Amtrak's intention to file a revised public version of its opening submission before CN filed and served its Motion to Remove the Confidentiality Designation. Amtrak will respond separately to CN's Motion.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'K. Sheys', with a stylized flourish at the end.

Kevin M. Sheys
Attorney for National Railroad Passenger Corporation

cc: David A. Hirsh

Enclosures

PUBLIC VERSION-REDACTED

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION
UNDER 49 U.S.C. § 24308(A) – CANADIAN NATIONAL RAILWAY COMPANY

OPENING STATEMENT

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Dated: September 4, 2015

TABLE OF CONTENTS

I. Procedural History1

II. Overview 3

III. The STB’s Broad Statutory Authority Under Section 24308(a) 5

IV. The Allowance-Based System In The Current Agreement Is
Not Effective 7

V. Amtrak’s Proposed Terms And Compensation Will Motivate
CN To Minimize Delays To Amtrak Trains 11

 A. The Key Elements Of Amtrak’s Proposed Terms12

 B. Amtrak’s Proposed Terms Meet All Of The Requirements
 Of Section 24308(a) And Would Advance The Statutory
 Goal Of Section 24101(c)(4)17

VI. Effective Date and Term..... 18

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION
UNDER 49 U.S.C. § 24308(A) – CANADIAN NATIONAL RAILWAY COMPANY

OPENING STATEMENT

The National Railroad Passenger Corporation (“Amtrak”) submits this Opening Statement in support of its application, pursuant to 49 U.S.C. § 24308 (a)(2), for a determination of reasonable terms and compensation for Amtrak’s continued receipt of services from, and use of tracks and facilities of, Grand Trunk Western Railroad Company (“GTW”) and Illinois Central Railroad Company (“IC”).¹

I. Procedural History

In anticipation of the expiration of the contract entered into by Amtrak and CN in May 2011 to govern the terms and compensation of Amtrak’s access to CN tracks and facilities (as amended, the “Current Agreement”), Amtrak and CN began negotiations on a new operating agreement in 2012. After months of negotiating, key issues remained unresolved between the parties. Accordingly, on July 30, 2013, Amtrak filed an application under 49 U.S.C. § 24308(a)(2), seeking the institution of a proceeding to determine reasonable terms and compensation for Amtrak’s use of CN’s tracks and other facilities and CN’s provision of services to Amtrak.

¹ GTW and IC are indirect subsidiaries of CN and are collectively referred to herein as “CN.”

In a decision served August 9, 2013, the Surface Transportation Board (the “Board” or the “STB”) instituted this proceeding.² Pursuant to a stamp decision served August 21, 2013, the STB adopted a procedural schedule proposed by the parties. Per that schedule, CN and Amtrak filed separate statements identifying disputed issues on October 24, 2013. Amtrak’s statement of disputed issues included the following:³

1. Compensation. The amount of compensation CN receives under the Operating Agreement, including whether, and if so, under what terms, CN should receive compensation in excess of CN’s incremental costs for quality of service, including the formulation of such compensation and the administration thereof.

2. Penalties. To ensure a penalty program that effectively promotes improved operating performance of Amtrak trains, under what terms CN should be subject to penalties for untimely performance, including the formulation of such penalties and the administration thereof.

* * *

4. Length of Contract. The establishment of a date and terms for expiration or termination of the Operating Agreement, and, if so, what that date and those terms should be.

Following the filing of Statements of Disputed Issues, the Board granted several extensions of the procedural schedule to facilitate the parties’ discovery. On September 23, 2014, the Board served a revised procedural schedule that would become effective upon completion of discovery, and, on March 26, 2015, the Board indicated that the procedural schedule had not yet begun due to outstanding discovery disputes. Thereafter, the Board assigned and authorized Administrative Law Judge John P. Dring of the Federal Energy Regulatory Commission to rule upon discovery matters and resolve all disputes concerning discovery in this case. Judge Dring held a discovery

² Application of the Nat’l R.R. Passenger Corp. Under 49 U.S.C. § 24308 — Canadian Nat’l Ry Co., STB Finance Docket 35743 (STB Served Aug. 9, 2013).

³ Amtrak’s statement of disputed issues also listed the geographic scope of the Operating Agreement as an issue. In a letter dated July 27, 2015, Amtrak informed the Board that the geographic scope issue will not be before the Board.

conference on June 1, 2015, and ruled on all the remaining discovery disputes by order served June 4, 2015. On July 6, 2015, Amtrak notified the Board that discovery was completed and Amtrak and CN filed a joint request that opening statements for both parties be due on September 4, 2015. In a decision served July 14, 2015, the Board adopted a new proposed procedural schedule, which set the deadline as September 4, 2015 for this Opening Statement.

II. Overview

The crux of Amtrak's proposed terms and compensation is a restructuring of the quality payment and penalty terms to motivate CN to minimize delays to Amtrak trains and meet the statutory goal to "operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables."

49 U.S.C. § 24101(c)(4). Amtrak measures this performance at "all station stops" with a measurement called All Stations On Time Performance or "ASOTP." ASOTP measures the percentage of station arrivals (or departures, in the case of the origin station) on an Amtrak train that occur within 15 minutes of the time established in public timetables.⁴

Whatever its hoped-for merits at the time it was adopted in 1983, and as it has been carried forward into the incentive/penalty system in place today, the Current Agreement has failed to cause CN to minimize delays to Amtrak trains.⁵ Amtrak trains

⁴ For example, if a given trip of an Amtrak train has ten stations on its route (the origin station plus nine subsequent stations) and that trip left its origin station within 15 minutes of the scheduled time and arrived at five of the subsequent stations within 15 minutes of the scheduled time, it would have ASOTP of 60% (6 stations within 15 minutes divided by 10 total stations = 60% ASOTP).

⁵ There are 26 Amtrak trains that operate on seven Amtrak routes over CN rail lines: the City of New Orleans, Illini/Saluki, Wolverine, Blue Water, Lincoln, Sunset Limited and Texas Eagle routes. The Sunset Limited route is excluded from Amtrak's incentive and penalty proposal, because it operates over just 2 route miles of CN lines.

on CN have high levels of delays that are the responsibility of CN and since such host responsible delays are the primary driver of ASOTP, Amtrak routes operating primarily or substantially on CN lines have very poor ASOTP.⁶ [REDACTED]

[REDACTED]

Based on its experience with the shortcomings of the current incentive/penalty system, Amtrak is proposing a different quality payment and penalty system -- one based on the number of minutes of host responsible delay to Amtrak trains. Amtrak's proposal retains some of the aspects of the current system. For example, for many years, Amtrak has categorized and recorded the causes of all delays to Amtrak trains. Delays caused by host railroads are recorded as Host Responsible Delay minutes ("HRD minutes"). Amtrak makes CN's HRD minutes available for CN to review, and CN has an opportunity to take exception to Amtrak's designation of a particular delay as a CN HRD. Amtrak's proposal retains all of these current processes and procedures.

⁶ Mr. Sacks concludes that the proportion of the variation in ASOTP that is explained by variation in HRD minutes is significant. See Verified Statement of Ben Sacks ("Sacks V.S.") at 11.

Amtrak's delay-based quality payment and penalty proposal also has the following new features:

- Amtrak would pay CN a quality payment when CN HRD minutes on an Amtrak route during a month are less than a defined threshold level of HRD minutes for that Amtrak route.
- CN would pay Amtrak a penalty when CN HRD minutes on an Amtrak route during a month are greater than the same threshold level of delay.
- The threshold level of HRD minutes for the quality payments and penalties on each Amtrak route would be correlated to 80% ASOTP on that route.
- 
 Unlike the Current Agreement, the amount of the penalties due would not be capped at the amount of incentives paid.
- Quality payments would be based on the same relationship between HRD minutes and payments as the penalty amounts.

III. The STB's Broad Statutory Authority Under Section 24308(a)

The requirements for an Amtrak-host railroad operating agreement and the statutory standard for STB-prescribed terms and compensation for Amtrak's continued receipt of services from, and use of tracks and facilities of, a host railroad when Amtrak and the host cannot reach such an agreement are set forth in 49 U.S.C. § 24308(a), which provides in pertinent part as follows:

- (a) General Authority —
- (1) Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance.
 - (2) (A) If the parties cannot agree and if the Surface Transportation Board finds it necessary to carry out this part, the Board shall —

- (i) order that the facilities be made available and the services provided to Amtrak; and
 - (ii) prescribe reasonable terms and compensation for using the facilities and providing the services.
- (B) When prescribing reasonable compensation under subparagraph (A) of this paragraph, the Board shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services.

Section 24308(a) places no limits on the terms and compensation the Board may impose, other than to specify that: (1) they must be “reasonable,” (2) the compensation must be based on “the incremental costs” of Amtrak’s use of facilities and the host railroad’s provision of services, (3) the terms must include a penalty provision for untimely performance, and (4) if there is a provision for payments in excess of incremental costs, that provision must consider quality of service as a major factor. Notably, the existence of penalty payments for poor performance is *mandatory*, while the existence of any payments above incremental costs is entirely *discretionary* and dependent on quality service.

In prescribing terms and compensation, the STB also should consider the statutory goal to “operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables.”

49 U.S.C. § 24101(c)(4).

Amtrak’s proposed terms and compensation are reasonable because they would meet all of the specific requirements of section 24308(a) and would motivate CN, acting in its own economic interest, to minimize delays to Amtrak trains and thereby advance the on-time performance goal of section 24101(c)(4).

trips in a month arrive “within tolerance” at the designated checkpoints.¹⁰ Generally, a train is within tolerance if it arrives at a designated checkpoint at or before a prescribed arrival time plus additional allowances. Checkpoint segments where more than █ percent of trips of Amtrak trains in a month arrive within tolerance contribute to monthly incentive payments and checkpoint segments where fewer than █ percent of Amtrak trains in a month arrive within tolerance contribute to monthly penalties.¹¹

Measuring performance by arrival times at CN checkpoints has not resulted in reduced CN HRD minutes. Instead, it has led to a situation where CN receives incentive payments even though Amtrak trains have levels of ASOTP nowhere near the statutory goal to “operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables.” 49 U.S.C. § 24101(c)(4). Amtrak’s levels of ASOTP are far below what Amtrak passengers should be expected to tolerate. Furthermore, during periods of sustained poor performance when CN earns no incentives, it is possible for CN to pay no penalties regardless of how poor the service becomes due to the fact that penalties are capped at the level of incentive payments. Several aspects of the current system contribute to this result.

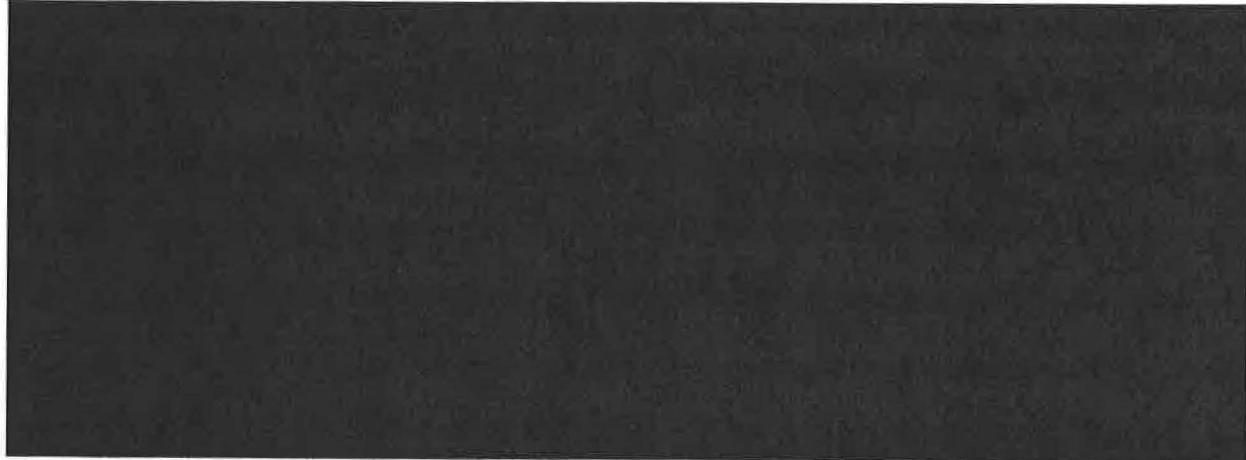
First, the Current Agreement does not reward CN for minimizing HRD minutes, but only for doing “good enough” to arrive at a checkpoint within tolerance.¹² CN can allow a significant number of HRD minutes, but few enough to arrive within the tolerance, and still receive an incentive payment. Paul Vilter’s Verified Statement and

¹⁰ Verified Statement of Paul Vilter (“Vilter V.S.”), at 7-8.

¹¹ Vilter V.S. at 9. Segments within tolerance at or above █ percent earn a performance rate per mile and those at or below █ percent generate a penalty rate per mile. The performance and penalty rates are then multiplied by the number of trips counted during the month and that product is multiplied by the applicable segment miles. Vilter V.S. at 5-6. █

¹² Vilter V.S. at 9.

Attachment 4 thereto document 45 examples where Amtrak trains ran “within tolerance” under the Current Agreement even though they had poor ASOTP.¹³



Second, CN has no contractual incentive to provide on-time performance at any station stops that are not checkpoints. This means that CN has no contractual incentive to minimize delays within its control between the many intermediate Amtrak station stops.¹⁶ In other words, the Current Agreement does not foster the statutory goal of section 24101(c)(4) to operate Amtrak trains to all station stops within 15 minutes of the time established in public timetables.

Third, the current system creates a perverse disincentive to minimize HRD minutes on Amtrak trains that are significantly behind schedule. When CN HRD

¹³ Vilter V.S. at 10-14 and Attachment 4.

¹⁶ Vilter V.S. at 9-10.

minutes cause an Amtrak train's travel time to exceed the sum of contractual trip time plus additional allowances,¹⁷ the train can no longer contribute to CN earning an incentive and may contribute to CN incurring a penalty. Whether this contractual trip time is exceeded by one minute or by many hours makes no difference in CN's incentive or penalty payments -- once a train is late for incentive purposes there is no consequence to it becoming even later. At this point, additional CN HRD minutes do not have consequences for CN incentive/penalty purposes. However, the additional HRD minutes do have a significant impact on Amtrak and its passengers.¹⁸

Fourth, in another perverse disincentive under the Current Agreement, when CN has a period of consistently poor performance and ceases earning performance incentives, it no longer has to pay any performance penalties. This is because of a "lookback" provision in the Current Agreement that caps penalties at the level of total incentive payments CN earned in the previous [REDACTED] period. See Current Agreement, Section 5.2.A and Appendix V, Section D, at App. V-10 and V-11. This lookback reduces even more CN's motivation to minimize delays within its control and provide quality service to Amtrak, because CN knows that no matter what the level of HRD minutes on Amtrak trains, penalties will never do more than offset any incentive payments earned in the previous [REDACTED]

Finally, and relevant to all of the foregoing points, CN's failure to minimize delays to Amtrak trains is not because CN *cannot* do so. CN has the ability to minimize train delays, including HRD minutes on Amtrak trains. CN managers and dispatchers give particular attention to moving intermodal freight trains without delay. [REDACTED]

¹⁷ Vilter V.S. at 11-12.

¹⁸ Vilter V.S. at 11-12.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This same focus on running trains without delay could be applied to Amtrak trains, and CN might be more inclined to do so if the incentive/penalty provision provided CN with an economic motivation.

V. Amtrak's Proposed Terms And Compensation Will Provide An Economic Motivation To CN To Minimize Delays To Amtrak Trains

Based on its experience with the shortcomings of the current incentive and penalty system, Amtrak is proposing a delay-avoidance quality payment and penalty system designed to motivate CN to minimize delays to Amtrak trains and thereby result in better performance by CN and better Amtrak service for the public.²³

[REDACTED]

²³ The Operating Agreement Amtrak proposes that the Board order the parties to enter into in its decision in the proceeding is filed herewith in order to minimize the chance that issues arise during implementation of the Board's decision in this proceeding. The proposed Operating Agreement includes the changes necessary to accomplish this goal, but at the same time retains those aspects of the Current Agreement that are workable and will foster a smooth and efficient transition.

A. The Key Elements Of Amtrak's Proposed Terms

Under Amtrak's proposal, CN would receive compensation above its incremental costs based on the quality of service it provides to Amtrak, and CN would pay a penalty for untimely performance. Both quality payments and penalties would be based on the level of CN HRD minutes to Amtrak trains, which generally relate to delays caused by host railroad dispatching decisions and the condition of host railroad track and signals. CN HRD minutes would be categorized using Host Responsible Delay codes ("HRD codes"), which record delays within CN's control and which CN and Amtrak already use to measure and record delays, and which they mutually review today. Delays that are not within CN's control, such as delays caused by Amtrak equipment failure, are not counted as HRD minutes.

The Quality Payment/Penalty Threshold. Amtrak would pay CN a quality payment on an Amtrak route when CN HRD minutes are equal to or less than a prescribed number of HRD minutes per 10,000 train miles for the Amtrak Route during a month. As CN HRD minutes decrease below this level, the quality payment received by CN would increase. Conversely, CN would pay Amtrak a penalty when CN HRD minutes are more than the same prescribed number of HRD minutes per 10,000 train miles during a month. As CN HRD minutes increase above this level, the penalty payment made by CN would increase. The "Threshold" — the prescribed number of HRD minutes per 10,000 train miles where payments turn from a quality payment to a penalty (or vice versa) — would be set for each Amtrak route on CN at the point where

the HRD minutes per 10,000 train miles correlates to 80 percent on-time performance averaged across all Amtrak stations on that Amtrak route.²⁴

Calculation of 80 Percent ASOTP. The proposed Thresholds have been derived from an analysis correlating (1) ASOTP at all stations under existing schedules on Amtrak routes on which CN is a host, to (2) HRD minutes on each route. Mr. Sacks has identified a statistically significant correlation between HRD minutes and ASOTP. When HRD minutes go up, ASOTP goes down, and vice versa.²⁵ To determine the Threshold for each of the six Amtrak routes on CN included in Amtrak's proposal,²⁶ Mr. Sacks calculated the number of CN HRD minutes per 10,000 train miles on each Amtrak route during each of the 48 months within the period of the review.²⁷ He then calculated the ASOTP on each Amtrak route for each month within the review period.²⁸ Next, Mr. Sacks plotted the CN HRD minutes per 10,000 train miles against the ASOTP for each of the 48 months on a separate graph for each of the six Amtrak routes.²⁹

From these data, Mr. Sacks then identified the number of HRD minutes per 10,000 train-miles that are statistically correlated to 80 percent ASOTP for each Amtrak route.³⁰ For each Amtrak route, the resulting Threshold is set forth in Table 1 of Mr.

²⁴ Vilter V.S. at 14-16.

²⁵ Sacks V.S. at 5-11.

²⁶ Mr. Sacks excluded the Sunset Limited route, where CN is a host for approximately 2 route miles.

²⁷ Sacks V.S. at 4-5 (calculation method) and 2-3 (analysis parameters and definitions).

²⁸ Sacks V.S. at 5-7.

²⁹ Sacks V.S. at 5-7 and Appendix B.

³⁰ Sacks V.S. at 7-11. In order to avoid reliance on skewed data, Mr. Sacks excluded trains on Amtrak routes with schedule changes due to major temporary track work and, if there were 10 or more days with such trains, he excluded the month. Mr. Sacks only considered periods after those schedule changes since he found there to be a substantial change in the HRD minutes – ASOTP relationship using statistical significance testing. For the same reason, he only used data on the Blue Water and Wolverine routes from the period after schedule changes were made on those Amtrak routes. Sacks V.S. at 9-10 and Appendix B at B-2, B-4.

[REDACTED]

Because the goal is to motivate CN to minimize HRD minutes, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

because in the judgment of Mr. Sacks, 20 percent is the smallest margin that ensures that CN perceives minimizing HRD minutes to Amtrak trains to be in its economic self-interest on all Amtrak routes.³⁷ Thus, in preparing the table of penalty payments, Mr. Sacks added a margin of 20 percent [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

As noted above, under the “lookback” provisions of the Current Agreement on IC lines, penalties are capped at the total incentive payments CN earns in the previous [REDACTED] [REDACTED] period. The Amtrak proposal does not include such a lookback, because doing so would defeat the effectiveness of the penalty; indeed, a penalty that is incurred but not paid is not a penalty at all. If penalties are capped at the level of earned quality payments, once penalties reach the level of earned quality payments, CN would have no

[REDACTED]

[REDACTED]

³⁷ Sacks V.S. at 16. Mr. Sacks also explains and calculates maximum penalties per Amtrak route. Sacks V.S. at 19. [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

further economic incentive to minimize HRD minutes on Amtrak routes. Moreover, CN would avoid penalties entirely by having sustained poor performance, earning no quality payments and thereby capping penalties at zero.

However, Amtrak's proposed system does not continue to increase penalties indefinitely on a particular Amtrak route. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Thus, under Amtrak's proposal, depending on CN's level of performance, penalties are not capped by quality payments, but Amtrak proposes a monthly cap on penalties on a per Amtrak route basis.³⁹

The Quality Payment. As discussed above, Section 24308(a)(2)(B) does not require that the terms and conditions include any payment above incremental cost. Nonetheless, for performance better than the Threshold, Amtrak proposes to pay CN a quality payment. The quality payment structure provides for increasing levels of payments for decreasing levels of HRD minutes below the Threshold, based on the same relationship between payments and HRD that Amtrak proposes for penalty payments. So if CN HRD minutes decrease below the Threshold, the quality payments increase at the same rate that CN's penalty payments decrease, in relation to a decline in CN HRD minutes.⁴⁰

[REDACTED]
³⁹ Vilter V.S. at 18 and Sacks V.S. at 16-17.
⁴⁰ Vilter V.S. at 18-19.

[REDACTED]

[REDACTED],

although it would need to provide better service to reach the maximums. Quality payments increase on each Amtrak route for each minute of reduction of HRD minute per 10,000 train miles, up to the point where such earnings equal [REDACTED] [REDACTED] [REDACTED]. These quality payments are designed to provide an inducement to CN to provide quality service to Amtrak.

B. Amtrak's Proposed Terms Meet All Of The Requirements Of Section 24308(a) And Would Advance The Statutory Goal Of Section 24101(c)(4)

One of the statutory goals of the Rail Passenger Service Act is to "operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables." 49 U.S.C. § 24101(c)(4). Amtrak's proposal uses HRD minutes, the primary driver of ASOTP, to establish on-time performance thresholds on a route by route basis. Thus, Amtrak's proposed terms and compensation advance this Congressional goal.

STB-prescribed terms must include a penalty provision for untimely performance. 49 U.S.C. § 24308(a)(1). Under Amtrak's proposed terms, CN would pay a penalty for untimely performance, beginning at the point where HRD minutes per 10,000 train miles on each Amtrak route rise above the amount correlated to 80 percent ASOTP averaged across all stations on that Amtrak route. The penalty would be set at a level to ensure that CN perceives minimizing HRD minutes to Amtrak trains to be in its economic interest.

Section 24308(a) provides that if there is a provision for payments in excess of incremental costs, that provision must consider quality of service as a major factor.

Amtrak would pay CN a quality payment beginning at the point where HRD minutes on each Amtrak route fall below the amount correlated to 80 percent ASOTP averaged across all stations on that Amtrak route. This payment is based on quality service — avoidance of delays — and thus meets the requirement of 49 U.S.C. § 24308(a)(2)(B).

The penalties and the quality payments would start from the same thresholds, and both be based on the correlation of HRD minutes to ASOTP and on the same cost of service perceptions of CN. Amtrak's penalty and quality payment proposal meets the overarching goal of reasonableness set forth in section 24308(a).

VI. Effective Date and Term

Amtrak requests that the Board make the prescribed terms and compensation effective as of August 9, 2013, the date the Board served its decision commencing this proceeding, and effective for ten years from the date of the final decision.⁴¹

There is ample Board precedent for applying any new terms and compensation retroactively.⁴² By making the terms and compensation retroactive, the Board can ensure that neither party in this case benefits from any delay in reaching a final agency decision. Moreover, a retroactive decision in this case would encourage both Amtrak and other host railroads to make every effort to negotiate agreements before Amtrak is compelled to seek the Board's prescription of terms.

⁴¹ *Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. 24308(a) – Canadian Nat'l Ry. Co.*, STB Docket No. FD 35743, slip op. at 3 (STB Served Aug. 9, 2013). This is a slight change from Amtrak's initial filing in this proceeding, which asked that the new terms and compensation be made effective as of August 12, 2013. *Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. 24308(a) – Canadian National Ry. Co.*, 4 (Served July 30, 2013).

⁴² See e.g. *Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. 24308(a) – Order to Require Service and Set Compensation Terms*, 1996 STB LEXIS 139, *4 (STB Served April 29, 1996) (“In prior proceedings, the ICC has found that compensation awards should be applied retroactively to the effective date of the order requiring access.”).

Amtrak also requests that the Board make the terms and compensation effective for ten years from the date of the final decision. The level of effort required of the parties and the STB and expense incurred for this proceeding justify imposition of a term of ten years in order for the parties to benefit from the investment necessary for the Board to establish such terms.

CONCLUSION

For the foregoing reasons, Amtrak's proposal is consistent with section 24308(a), the statutory goal embodied in section 24101(c)(4), and should be ordered by the Board.

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Respectfully submitted,

By: Linda J. Morgan

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Dated: September 4, 2015

ATTACHMENT 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

PUBLIC VERSION REDACTED

**Verified Statement
of
Paul Vilter**

I. Introduction

My name is Paul Vilter and I am the Deputy Chief, Host Railroads at Amtrak. I have 29 years of railroad experience, including 15 years at Amtrak and 14 years at Class I freight railroads (CSX and Conrail). A copy of my resume is attached to this Verified Statement as Attachment 1.

A. Defined Terms

Before I begin, I want to explain a few key terms I will use throughout this Verified Statement:

- The agreement between Canadian National ("CN") and Amtrak presently governing Amtrak operations on CN lines was entered into on May 1, 2011. I refer to that agreement as the "Current Agreement." It is important to note that the basic incentive and penalty concepts in the Current Agreement pre-date the Current Agreement and have been in place on some CN routes since 1983.
- Amtrak defines All Stations On Time Performance or "ASOTP" as the percentage of station arrivals (or departures, in the case of the origin station) on an Amtrak train that occur within 15 minutes of the time established in public timetables.¹
- CN's performance on its Illinois Central Railroad Company ("IC") lines is measured by adherence to arrival time at "checkpoints." For three of the four relevant Amtrak routes on IC, the checkpoint is the endpoint of that route's operation on IC tracks; for the longer City of New Orleans route, there is a checkpoint at the endpoint of the route's operation on IC plus a checkpoint at an intermediate location.

¹ For example, if a given trip of an Amtrak train has ten stations on its route (the origin station plus nine subsequent stations) and that trip left its origin station within 15 minutes of the scheduled time and arrived at five of the subsequent stations within 15 minutes of the scheduled time, it would have ASOTP of 60% (6 stations within 15 minutes divided by 10 total stations - 60% ASOTP).

- All delays to Amtrak trains are assigned a cause. The causes are divided into three types: Amtrak responsible delays; third party delays; and host responsible delays (“HRDs”). There are seven HRD codes relevant to this proceeding.²
- All delays to Amtrak trains are measured in minutes. I refer to host responsible delay minutes as “HRD minutes.”

B. Summary of Verified Statement

As explained in Section II below, CN has provided poor service to Amtrak and the incentive and penalty system in the Current Agreement, the majority of which dates back to a 1983 amendment to the operating agreement between Amtrak and IC, has failed to cause CN to minimize delays to Amtrak trains. Instead, the incentive/penalty system in the Current Agreement has rewarded CN with incentive payments for performance with high CN HRD minutes, leading to low ASOTP on Amtrak routes involving CN.³ Perhaps most importantly, the performance penalties governing most Amtrak trains operating on CN are not meaningful, because they are capped at the level of incentive payments earned over the prior year. Thus, for most Amtrak trains on CN, no matter how poorly CN performs, the worst it can do is lose its incentive payments. During periods of sustained poor performance, no incentives are paid and thus no penalties are charged, just when assessing penalties would make the most logical sense.

² Commuter Train Interference (“CTI”); Signal Delays (“DCS”); Maintenance of Way (“DMW”); Slow Order Delays (“DSR”); Freight Train Interference (“FTI”); Passenger Train Interference (“PTI”); and Routing Delays (“RTE”). The definitions for these HRD codes are provided in Attachment 6. These are delays that CN agrees are “of the type which CN normally has an ability to control” (2011 Agreement, Appendix VI Section C, page VI-3). Amtrak uses an additional HRD code, DTR (for Detour delays), but it is not discussed further because Detour delays have not contributed to the problems with the current incentive and penalty system and Amtrak does not include DTR minutes of delay in its proposed delay-avoidance system.

³See the Table in Section II.

As explained in Section III below, Amtrak is proposing a delay-avoidance quality payment and penalty system designed to motivate CN to minimize HRD minutes. Overall, higher HRD minutes are the primary driver of lower ASOTP.⁴ Thus, lower CN HRD minutes will promote improved ASOTP for Amtrak passengers.

Under Amtrak's proposal, Amtrak would pay CN a quality payment when the CN HRD minutes are less than a set number of minutes, called the threshold ("Threshold"). CN would pay Amtrak a penalty when CN HRD minutes are greater than the Threshold. CN quality payments would increase as CN HRD minutes decreased below the Threshold, and CN penalties would increase as CN HRD minutes increased above the Threshold. The Threshold represents the point where the number of HRD minutes correlates to 80 percent ASOTP on the applicable Amtrak route.⁵

II. The Incentive And Penalty System In The Current Agreement Has Not Resulted In Minimized CN Delays To Amtrak Trains

In this section, I will show that the incentive and penalty system in the Current Agreement has not resulted in CN minimizing delays to Amtrak trains or good ASOTP for Amtrak customers, but has nonetheless generated substantial incentive payments for CN. I will then offer three explanations.

⁴ Mr. Sacks concludes that the proportion of the variation in ASOTP that is explained by variation in HRD minutes is significant. See Verified Statement of Ben Sacks ("Sacks V.S.") at 11.

⁵ The thresholds were derived from a regression analysis correlating HRD minutes in the seven aforementioned categories to ASOTP on existing Amtrak schedules on each Amtrak route where CN is a host, except the Sunset Limited, which was excluded from the regression analysis. See Sacks V.S. at 7-11. Under Amtrak's proposal, the Sunset Limited would continue as it has for years to have neither a quality payment nor a penalty, since it operates over just 2 route miles of CN lines.

A. The Current System Has Led To High CN HRD Minutes, High Incentive Payments For CN and Low ASOTP For Amtrak Passengers

Under the current incentive/penalty system, CN has been operating Amtrak trains on the IC lines with a high level of HRD minutes with resulting low levels of ASOTP while earning substantial incentive payments, as shown below for Amtrak’s most recently concluded fiscal year:

Service	Fiscal Year 2014 ⁶		
	CN HRDs per 10K TM	All Stations OTP	Incentive Paid to CN
City of New Orleans	1182	52.7%	██████████
Illini/Saluki	1248	48.7%	██████████
Lincoln Service	1366	60.7%	██████████
Texas Eagle	2157	33.3%	██████████
Total:			██████████

Given the high level of CN HRD minutes, it is not surprising that ASOTP is so poor. HRD minutes are the primary driver of ASOTP.⁷ Thus, finding a system that motivates CN to minimize HRD minutes is critical to improving ASOTP for Amtrak passengers.

B. On Most Trains, CN Has Been Earning Incentive Payments By Meeting Tolerances At Checkpoints, But Without Minimizing Amtrak Delays

Under the current incentive and penalty system, CN has not minimized HRD minutes and thus has not supported high levels of ASOTP. On the IC lines that host

⁶ The Blue Water and Wolverine routes (which are operated on GTW lines) are not included in the Table ██████████

██████████ CN has been operating Amtrak trains on the GTW lines with a high level of HRD minutes with resulting low levels of ASOTP. For Fiscal Year 2014, the Blue Water route had average monthly HRD minutes per 10,000 train miles of 1073 and ASOTP of 55.6 %; the Wolverine had average monthly HRD minutes per 10,000 train miles averaging 2149 and ASOTP of 49.9 %.

⁷ See Sacks V.S. at 11.

Measuring performance by checkpoint arrival time as adjusted for the prescribed allowances has proven to be ineffective in causing CN to minimize HRD minutes. The Current Agreement does not reward CN for minimizing HRD minutes, only for doing “good enough” to arrive at a checkpoint within tolerance. CN can cause a significant number of HRD minutes, but just few enough to arrive within the tolerance and be paid an incentive.¹² However, these delays are experienced by Amtrak’s customers riding the train and waiting on platforms, and have led to poor ASOTP.

A related problem with CN’s checkpoint-based incentive is that most Amtrak stations on IC lines are not checkpoints.¹³ CN has no incentive to minimize delays to arrive on-time at the 19 Amtrak stations on the IC lines that are not checkpoints. Many Amtrak routes have significant recovery time just before a checkpoint, which means (all else being equal) that CN HRD minutes can be high even when CN’s checkpoint success rate is high. Since higher CN HRD minutes is a major contributing factor to lower ASOTP, the result often is poor service to passengers at non-checkpoint stations and substantial incentive payments to CN.

Here are two examples of Amtrak train trips with (1) significant HRD minutes, (2) delays to passengers using stations that are not checkpoints and (3) CN making the checkpoint which counts toward earning an incentive payment:

- On October 24, 2013, CN delayed Train 391 for 4 minutes (commuter train interference) between Clark Street and Homewood; 19 minutes (freight train interference) between Kankakee and Gilman; 2 minutes (slow orders) on CN’s tracks between Gilman and Rantoul; another 19 minutes between Mattoon and

¹² See Current Agreement, Appendix V, Sections B and C, at App. V-8 and V-9.

¹³ Checkpoints are at the CN endpoints of three of the four relevant Amtrak routes on IC while the very long City of New Orleans route has only two checkpoints.

Effingham (freight train interference); and 2 minutes at Edgewood Junction (slow orders). Train 391 was also delayed due to Amtrak and third party issues.¹⁴ In total, Train 391 was delayed by 72 minutes. Even with CN's dispatching decisions and slow orders accounting for 46 minutes of delay, this train was 'within tolerance' under the Current Agreement for incentive purposes.

This trip of Train 391 was late at numerous stations including 44 minutes late arriving in Champaign, affecting 49 passengers boarding or detraining at this station stop; 65 minutes late at Du Quoin, affecting 13 passengers boarding or detraining at this station stop; and 32 minutes late at Carbondale, affecting 66 passengers detraining at this station stop.

- On March 19, 2014, CN delayed Train 393 for 16 minutes (freight train interference) between Homewood and Kankakee; 7 minutes (slow orders and freight train interference) between Rantoul and Champaign; and another 26 minutes (freight train interference) between Champaign and Mattoon. Train 391 was also delayed due to Amtrak and third party issues.¹⁵ In total, Train 391 was delayed by 70 minutes. Even with CN's dispatching decisions and slow orders accounting for 49 minutes of delay, this train was 'within tolerance' under the Current Agreement for incentive purposes.

This trip of Train 393 was late at numerous stations including 37 minutes late arriving in Champaign, affecting 82 passengers boarding or detraining at this station stop; 1 hour 5 minutes late at Centralia, affecting 11 passengers boarding or detraining at this station stop; and 29 minutes late at Carbondale, affecting 53 passengers detraining at this station stop.

Despite the high number of CN HRD minutes (and inconvenience to passengers at several stations), these trains arrived within tolerance and thus were counted towards CN earning an incentive in the month in which they occurred.¹⁶ Attachment 4 provides a list of forty-five examples of Amtrak train trips where there were significant CN HRD minutes (and passengers arriving late to, and departing late from, stations),

¹⁴ Refer to Attachment 4 for a detailed overview of the causes of delay along the route.

¹⁵ Refer to Attachment 4 for a detailed overview of the causes of delay along the route.

¹⁶ Whether CN earned an incentive in the given month depended on the outcome of other trips. My point is that these trips counted as "makes" in that calculation.

but the trains arrived within tolerance and thus were counted as “makes” toward CN earning an incentive.¹⁷

C. On Trains Which Do Not Arrive Within Tolerance, CN Has Had No Incentive To Avoid Further Delays

Under the Current Agreement, CN has no financial reason to continue to avoid further CN HRD minutes after CN HRD minutes have caused a trip’s travel time to no longer be within tolerance. When this happens, the trip no longer counts favorably for CN for incentive purposes. When a trip cannot arrive at a checkpoint within tolerance under the contract, additional CN HRD minutes do not harm CN for incentive/penalty purposes so CN has no incentive to try to minimize further delays. However, further delays have a significant impact on Amtrak and its passengers. Here are two examples:

- On April 30, 2014, CN delayed Train 391 for 7 minutes (passenger train interference) between Clark Street and Homewood; 4 minutes (freight train interference) between Kankakee and Gilman; 15 minutes due to routing delays at South Paxton; and 32 minutes (freight train interference) at North Rantoul. The CN delays up to this point totaled 58 minutes, so even with recovery time it would have been impractical if not impossible for the train to arrive into Carbondale within tolerance.

Subsequently, Train 391 continued to incur delay due to CN: 3 minutes (freight train interference) between Rantoul and Champaign; 22 minutes (freight train interference) at South Neoga; and 16 minutes (freight train interference) between Centralia and Du Quoin. Train 391 was also delayed due to Amtrak and third party issues. In total, Train 391 was delayed by 111 minutes, with CN’s dispatching decisions accounting for 99 minutes of that delay. After the



delays at North Rantoul this train was already so late that even under the Current Agreement, CN could not deliver it within tolerance and thus had no incentive to avoid further delays.

This trip of Train 391 was late at numerous stations including 1 hour 11 minutes late arriving in Champaign, affecting 52 passengers boarding or detraining at this station stop and 1 hour 10 minutes late at Carbondale, affecting 26 passengers detraining at this station stop.

- On September 8, 2014, CN delayed Train 392 for 1 minute (slow order), 3 minutes (signals), and 12 minutes (maintenance of way) between Carbondale and DuQuoin. CN then delayed the train 16 minutes (freight train interference) and 5 minutes (signal issues) between DuQuoin and Centralia; 9 minutes (routing delays) at Effingham; 2 minutes (slow orders) between Effingham and Mattoon; and 31 minutes (a three-way meet at Humboldt). The CN delays up to this point totaled 79 minutes, so even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street within tolerance.

Subsequently, Train 392 continued to incur delays due to CN: 4 minutes (freight train interference) between Champaign and Rantoul; 2 minutes (routing delay) at Rantoul; 6 minutes (passenger train interference) at Otto; 17 minutes (freight train interference) with Q194 at Gilman; 2 minutes (slow orders) between Kankakee and Homewood. In total, train 392 incurred 110 minutes of CN responsible delays, 68 of which was freight train interference. After the delays between Mattoon and Champaign this train was already so late that even under the Current Agreement, CN could not deliver it within tolerance and thus had no incentive to avoid further delays.

This trip of Train 392 was late at numerous stations including 1 hour and 13 minutes late arriving Champaign, affecting 40 passengers boarding or detraining at this station stop; 1 hour and 45 minutes late arriving Homewood station, affecting 12 passengers boarding or detraining at this station stop; and 1 hour and 18 minutes late arriving Chicago, affecting 77 passengers detraining at this station stop.

Attachment 5 shows fifteen additional examples of the same problem: trains that have such high HRD minutes that CN could not make the checkpoint within tolerance and did not minimize further HRD minutes.¹⁸



D. The Penalty Provision On The IC Lines Is Not Effective, Because It Is Capped At The Level Of Incentive Payments

The penalty provision for the IC lines in the Current Agreement is also not effective because penalties are capped at the level of incentive payments.¹⁹ This means no matter how poorly CN performs on the City of New Orleans, Illini/Saluki, Lincoln, or Texas Eagle, the worst CN can do is to lose its incentive earnings. If CN fails to earn any incentives during the relevant period, then it pays no penalties. Perversely, during periods of sustained poor performance, the penalty provision in the Current Agreement stops functioning. A penalty payment that does not cost CN anything is not motivating CN to minimize CN HRD minutes on Amtrak trains.

III. Amtrak's Proposed Delay-Avoidance System Will Motivate CN And Better Match Payments to Performance

Amtrak is proposing a delay-avoidance quality payment and penalty system because it will better match payments to CN's performance, and therefore motivate better performance by CN. In this section, I will explain the details of Amtrak's proposal, why Amtrak believes its proposal will be more effective than the current incentive/penalty system, and how the proposal retains the aspects of the Current Agreement that are workable and therefore will foster a smooth and efficient transition.

¹⁹ Under the Current Agreement, penalties for categories of trains on the IC lines are capped at the total incentive payments CN earned in the previous [REDACTED] period. [REDACTED]

A. Detailed Explanation Of Amtrak's Proposal

1. The Basic Elements

Amtrak's proposal is a delay-avoidance quality payment and penalty system. Its principal objective is to minimize CN HRD minutes on Amtrak trains and thereby improve the on-time performance of Amtrak trains on CN. To achieve this objective, the proposal has the following three key components:

- A designated amount of HRD minutes for each Amtrak route that operates on CN each month (noted above, the "Threshold"). The Threshold is the number of HRD minutes per 10,000 train-miles that correlates to 80 percent ASOTP;
- For CN HRD minutes above the Threshold, penalties are set at a level 20 percent greater than the cost savings CN has claimed it realizes by providing poor performance to Amtrak trains;²⁰and
- For CN HRD minutes less than the Threshold quality payments based on the same cost savings relationship used to formulate the penalties.

2. Calculating the Threshold Per Amtrak Route

Amtrak's proposal is based upon a determination, for each Amtrak route, of a Threshold number of HRD minutes per 10,000 train miles that correlates with 80 percent ASOTP on that route.²¹ See Sacks VS at 4-11. The HRD data that are used for these correlations are the total HRD minutes per 10,000 train miles for all hosts in the entire route.

²⁰ As explained below, in order for the penalty provision to be effective, Amtrak proposes no "lookback" limit on penalties as there is in the Current Agreement.

²¹ Thus, Amtrak's proposal is based on a measurement of HRD minutes all along a particular route, rather than only at specified checkpoints as provided under the Current Agreement.

Once the route's Threshold is established, then each month CN HRD minutes per 10,000 train-miles on a route would be compared against that route's Threshold, and an incentive or penalty computed for CN. For each Amtrak route, the Thresholds are set forth in Table 1 of Mr. Sack's V.S.

3. Penalties For CN HRD Minutes Above The Threshold

Under the proposal, for each month on each Amtrak route, CN is assessed a penalty if CN HRD minutes per 10,000 train-miles exceed the Threshold, with the penalty increasing as CN HRD minutes increase, subject to a maximum.²²

The penalty dollar rates are derived from [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

As the Sacks Verified Statement explains, the penalty schedule is arrived at as follows: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

²²See Sacks V.S. at 18.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] in the judgment of Mr. Sacks, 20% is the lowest number that adequately ensures that, even if he has underestimated the actual CN Saving Rate for a given route, the penalty rate should still be above the actual CN Savings Rate.²⁸ In other words, this margin is necessary so that CN is not indifferent between paying

[REDACTED]

²⁸ See Sacks V.S. at 15-16. Mr. Sacks also explains and calculates maximum penalties per Amtrak route. See Sacks V.S. at 16-20. The Penalty Tables are Appendix E to the Sacks V.S.

penalties and providing poor service, but rather perceives minimizing CN HRD minutes to Amtrak trains to be in its economic self-interest.²⁹

For the penalty provision to be effective, however, it cannot be capped at quality payments earned as is the case in the Current Agreement. Amtrak proposes monthly maximum penalties per Amtrak route,³⁰ but to cap penalties at quality payments earned would defeat the purpose of the penalty provision.

4. Quality Payments for CN HRD Minutes Below The Threshold

Under the proposal, each month on each Amtrak route CN earns a quality payment if CN HRD minutes per 10,000 train-miles are below the Threshold, with the quality payment increasing as CN HRD minutes decrease, subject to a maximum.³¹

As just discussed regarding penalties, for each route Amtrak's proposal establishes a relationship between changes in CN HRD minutes and changes in penalty payments incurred by CN. The quality payment schedule uses this same relationship. So if CN reduces CN HRDs, the quality payments increase at the same rate that CN's penalty payments decrease.

B. Amtrak's Proposed Delay-Avoidance System Will Be More Effective Than The Current Incentive/Penalty System Because It Will Motivate CN To Minimize Delays To Amtrak Trains

In Section II, I explained that the current incentive and penalty system has been ineffective because CN has not minimized HRD minutes because it has no incentive to do so, particularly on those occasions when CN HRD minutes cause an Amtrak train to

²⁹ See Sacks V.S. at 15.

³⁰ See Sacks V.S. at 16-19.

³¹ See Sacks V.S. at 20.

become so late that CN cannot deliver it in time for the Amtrak train to contribute to CN's incentive earnings.

Amtrak's proposed delay-avoidance system overcomes both of these problems. Because Amtrak's proposed penalties and quality payments [REDACTED] [REDACTED] it will always be in CN's economic interest to minimize CN HRD minutes, both to avoid penalty payments and to obtain quality payments. Lower CN HRD minutes would lead to improved ASOTP and thus improved Amtrak service to the public.

C. Amtrak's Proposal Preserves Workable Aspects of the Current Agreement

1. Amtrak's Proposal Preserves The Delay Measurement and Recording Procedures Used By Amtrak and CN Today

In order to measure delays, one must have a base against which to measure them. Today, Amtrak and CN measure delays against Pure Running Time (PRT), which is the travel time between two points at maximum authorized passenger train speeds, without delays. Each minute a trip takes that is longer than the route's PRT is a minute of delay. Amtrak and CN have agreed on the PRT for each Amtrak route, and these PRTs are memorialized in the Current Agreement.

Under Amtrak's quality/penalty proposal, HRD minutes would continue to be measured against PRT and the agreed-upon PRTs would be carried forward into the proposed Agreement.

All delay minutes incurred by Amtrak trains on host railroads nationwide, including CN, are recorded. Amtrak utilizes a system called Electronic Delay Reporting (eDR) to account for each minute of delay experienced by each Amtrak train

operating on host railroads nationwide. Based primarily on information from a GPS-based system that automatically logs arrival, departure, and passing times at stations and other locations, the eDR system calculates the number of minutes of delay above PRT within each segment of an Amtrak route. The train's Conductor (the employee in charge of the train) then enters the cause and location of each delay based on the Conductor's direct observations and information from train bulletins, radio communications, Amtrak engineers, freight train crews, dispatchers, maintenance of way crews and other personnel.

All delays in excess of PRT are categorized in one of twenty six (26) delay codes. Each delay code is classified in one of three categories based on responsibility: Host-Responsible Delays (HRD, already discussed), Amtrak-Responsible Delays, or Third Party Responsible Delays. As previously described, CN quality payments and penalties would be calculated from CN HRD minutes only. Amtrak Responsible Delays, Third Party Responsible Delays, and delays incurred on host railroads other than CN would have no bearing on CN quality payments and penalties.

Amtrak's proposal employs this delay coding and categorization process which is used today nationwide, including by Amtrak and CN.³²

2. Amtrak's Proposal Preserves The Delay Report Review And Initial Dispute Resolution Procedures Used By Amtrak And CN Today

Today, CN and Amtrak review delay reports and disagreements regarding the delay code are addressed. Amtrak makes delay data available to CN electronically for CN's review. [REDACTED]

³²See Delay Codes, Attachment 7; see Proposed Agreement, Article 1.

[REDACTED]

This delay recording and review system produces few disputes. [REDACTED]

[REDACTED]

Amtrak proposes to continue this same delay recording and review process that Amtrak and CN use today – and have for many years – in the delay-avoidance system. Amtrak’s proposal goes further by adding procedures for dispute resolution, ensuring that CN and Amtrak have ample opportunity to reach agreement on payments arising from delay coding should the need arise.³⁴

Specifically, If CN and Amtrak cannot reach agreement regarding proposed corrections during the initial 5 day period, Amtrak’s proposal provides an opportunity for the parties to seek to reach agreement on quality payment and penalty payment dollars arising from any disputed coding during a quarterly review process. For any disagreements that are not brought forward by one party to the other within sixty days following the end of each quarter, the parties are deemed to be in agreement and neither party can make a claim against the other. For any disagreements that are brought forward from one party to the other but the parties cannot resolve after the quarterly review, either party may take the matter to arbitration.³⁵

[REDACTED]

³⁴See Proposed Agreement, Appendix V, at V-2 and Section C.

³⁵ See Proposed Agreement, Appendix V, at V-3 and Section 5.2.

Notwithstanding this enhanced dispute resolution procedure, Amtrak's proposed delay-avoidance system makes it much less likely that Amtrak and CN will have protracted disputes over small amounts of delay minutes. Under the Current Agreement, a single minute can change an Amtrak train trip from one that contributes to an incentive payment or penalty, to one that does not (or vice versa). [REDACTED]

[REDACTED] Under Amtrak's proposed system, individual HRD minutes would not materially change CN's quality penalty payments as they can in the Current Agreement, since each CN HRD minute on a route has the same impact on dollar payments as every other CN HRD minute.

3. Amtrak Does Not Propose Changes In The Public Train Schedules

Conversion to a delay-avoidance system as proposed by Amtrak does not require any changes to the public train schedules, which have been agreed to by CN and Amtrak and are memorialized in the Current Agreement. Amtrak does not propose any schedule changes, and proposes to carry forward the current schedules on CN to the proposed Agreement.³⁶ Schedule changes would continue to be agreed-upon and memorialized in the proposed Agreement as they are in the Current Agreement.

IV. Conclusion

In summary, the current incentive and penalty system has not caused CN to minimize CN HRD minutes on Amtrak trains. HRD minutes are the primary driver of

³⁶ See Proposed Agreement, Appendix II.

ASOTP, so reducing HRD minutes is the most important goal if Amtrak passengers are to secure better service. Amtrak is proposing a delay-avoidance quality payment and penalty system based on threshold levels of HRD minutes associated with 80% ASOTP on each route. I believe the proposed penalties and the quality payments will motivate CN to minimize HRD minutes, thus supporting achievement of higher ASOTP and providing improved service to Amtrak passengers at all Amtrak stations on CN.

VERIFICATION

I, Paul Vilter, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verification.

Executed on September 4, 2015

A handwritten signature in cursive script, appearing to read "Paul Vilter", written over a horizontal line.

Paul Vilter
Deputy Chief, Host Railroads
National Railroad Passenger Corporation

List of Attachments

Attachment 1 – Vilter Resume

Attachment 2 – Current Agreement

Attachment 3 – Comparison of Amtrak’s Proposed Agreement to the
Current Agreement

Attachment 4 – Delayed Trains That Earned Incentives

Attachment 5 – Trains With Delays Beyond The Point Where CN Could
Earn An Incentive

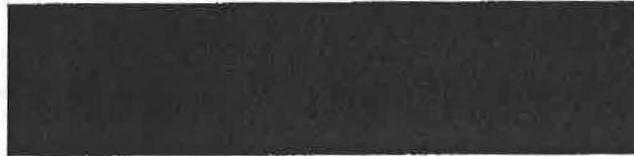
Attachment 6 – Delay Codes

Attachment 7 – CN Change requests

ATTACHMENT 1

VILTER RESUME

Paul Evan Vilter



SUMMARY

Experienced, creative business professional and leader. Skilled at negotiations, managing complex cross-functional teams, and implementing process improvements. Experience in operations, logistics, planning, finance, marketing, and sales.

EXPERIENCE

National Railroad Passenger Corporation (Amtrak) Philadelphia, PA

2003 – Present **Deputy Chief, Host Railroads (Operations Department)**

- Manage business relationships with approximately 30 US “host” railroads whose tracks are used by Amtrak passenger trains.
- Negotiate and manage contracts governing \$120 million in annual expenditures
- Negotiated tri-party intercity passenger rail investment agreements among host railroads, states, and Amtrak governing \$3+ billion in public investments in private host railroad infrastructure.
- Negotiated 20 year comprehensive operations and maintenance agreements with the State of Michigan and Norfolk Southern.
- Created and helped implement comprehensive host railroad performance metrics, and the first redesign of host railroad performance incentives in 20 years.
- Advise senior Amtrak management, brief US Congressional staff and state transportation officials, and speak at national transportation events regarding railroad performance and strategy.

2013 – 2014 **Chief Logistics Officer (Acting for 5½ months) (Finance Department)**

- Asked by Chief Financial Officer to temporarily lead Amtrak’s Procurement & Materials Management Department during search to replace previous incumbent.
- Led 500+ management and unionized employees executing a supply chain with \$1.5 billion annual spend across 30 warehouses nationwide.
- Stabilized the department’s operation and morale.
- Concurrently served as Deputy Chief Host Railroads.

2001 – 2003 **Senior Director, Route Profitability (Planning Department)**

- Led company-wide, cross-functional team which designed in nine months a Route Contribution Analysis system to identify and manage revenues, costs, and contribution from business segments.

1999 – 2001 **Director (Finance Department)**

- Redesigned a business unit as part of an intensive Strategic Design Team. Improved annual performance by \$3 million.

Conrail, Inc. Philadelphia, PA

1997 – 1999 **Domestic Market Manager (Marketing Department)**

- Designed and implemented marketing, pricing, product development, and channel strategy for \$290 million business unit.
- Generated growth by developing new products, enhancing existing services, improving asset utilization, and applying new yield management strategies.

Paul Evan Vilter

Page Two

- 1996 – 1997* **Regional Manager (Sales Department)**
- Built strong relationships with 40 shortline railroad partners in Mid-Atlantic and New England region, generating \$150 million in annual revenue for Conrail.
 - Member of award-winning team that designed the Local Area Management organization structure, which reduced costs while improving customer service and revenue.
- 1993 – 1996* **Account Executive (Sales Department)**
- Negotiated with national retail chains to establish major distribution centers for their products. Located facilities, oversaw leasing, and managed renovations. Opened three significant sites, the largest worth \$10 million in new revenue.
 - Strengthened customer relationships, uncovered opportunities, and built consensus within the company to meet customer needs. Exceeded growth targets each year.
- 1989 – 1993* **Business Development Analyst (Marketing Department)**
- Won Conrail Impact Award for entrepreneurial recycled paper strategy, attracting new customers and growing traffic in a mature market by 30% annually. Managed print media advertising campaign.

- CSX Transportation** **Baltimore, MD**
1984 – 1988 **Assistant Manager (Planning Dept), Assistant Manager (Marketing Dept)**
- Designed and implemented train network analysis and sales force bonus systems.
 - Designed components of intra-company transfer pricing system.
 - Designed and implemented trend analysis system.
 - Forecast volumes and revenues.

- International Business Machines Corporation** **Rochester, MN**
1980 – 1984 **Watson Scholar**
- Won IBM Thomas J. Watson Memorial Scholarship based on academic merit.
 - Four years full-time summer employment in Finance and other functions.

EDUCATION

- J. L. Kellogg Graduate School of Management, Northwestern University** **Evanston, IL**
1988–1989 **Master of Management – MBA**
- Concentrations in Marketing, Finance, and Transportation in an accelerated program.

- Michigan State University** **East Lansing, MI**
1980–1984 **Bachelor of Arts – BA. Graduated with High Honors.**
- Numerous academic honors including Mortar Board, MSU Tower Guard, Beta Gamma Sigma, and Phi Beta Kappa Certificate of Scholarship.

ADDITIONAL EXPERIENCE AND AFFILIATIONS

- Speaker at industry forums, including Transportation Research Board, Transportation Research Forum, Passenger Trains on Freight Railroads conference
- Lecturer at Michigan State University Railway Management Program
- Member, Board of Trustees, John W. Barriger III National Railroad Library

ATTACHMENT 2

IN RE: [REDACTED]

CURRENT AGREEMENT

REDACTED

ATTACHMENT 2

**COMPARISON OF AMTRAK'S PROPOSED AGREEMENT
TO THE CURRENT AGREEMENT**

REDACTED

ATTACHMENT 4

DELAYED TRAINS THAT EARNED INCENTIVES

Delayed Trains That Earned Incentives

Trains 'within tolerance' for incentive purposes

- On July 22, 2013, train 364 departed Chicago on time. Due to various delays prior to reaching CN territory, train 364 arrived at Battle Creek (the first station on CN territory) 36 minutes late. The train was then delayed 13 minutes due to following a freight train from MP 194 to East Lansing, then 2 minutes due to slow orders between Battle Creek and East Lansing, then 4 minutes due to a passenger related delay at East Lansing, then 7 minutes due to following the same freight train from East Lansing to Vernon, then 2 minutes due to a handicapped passenger related delay at Durand, then 4 minutes due to a freight train at Emmett Street. Train 364 arrived in East Lansing 44 minutes late affecting 113 passengers boarding or detraining at this station stop, and in Flint 48 minutes late affecting 56 passengers boarding or detraining at this station stop. In total, train 364 incurred 26 minutes of CN Host Responsible Delay 24 of which was freight train interference, 42 minutes of host responsible delay on other hosts, and 6 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
26 (including 24" FTI)	42	6	0

Station	Performance at Station	Total Riders Affected
BTL	Arrived 36 minutes late	20
LNS	Arrived 44 minutes late	113
DRD	Arrived 50 minutes late	26
FLN	Arrived 48 minutes late	56
LPE	Arrived 43 minutes late	24
PTH	Arrived 20 minutes late	72

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On July 25, 2013, train 365 departed Port Huron on time and was delayed 6 minutes due to a freight train at Imlay City, then 4 minutes due to other issues between Lapeer and Flint, then 4 minutes due to passenger related delays at Flint, then 9 minutes due to passenger related delays at East Lansing, then 38 minutes at McAllister due to freight train 399, then 1 minute due to slow orders between East Lansing and Battle Creek. Train 365 arrived in Battle Creek 31 minutes late affecting 10 passengers boarding or detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 45 minutes of CN Host Responsible Delay 44 of which was freight train interference, and 17 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes. After leaving CN territory the train incurred an additional 20 minutes of host responsible delay on other hosts ultimately arriving in Chicago 33 minutes late affecting 320 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
45 (including 44" FTI)	20	17	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	60
LPE	Arrived 3 minutes late	15
FLN	Arrived 2 minutes late	76
DRD	Arrived 5 minutes early	30
LNS	Arrived 5 minutes early	110
BTL	Arrived 31 minutes late	10
KAL	Arrived 30 minutes late	37
DOA	Arrived 32 minutes late	3
NLS	Arrived 32 minutes late	10
NBU	Arrived 34 minutes late	11
CHI	Arrived 33 minutes late	320

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On August 7, 2013, train 391 departed Chicago on time and was delayed 1 minute due to other issues between Homewood to Kankakee, then 1 minute copying orders from the CN dispatcher at Kankakee, then 24 minutes due to freight train Q195 at Ashkum, then 1 minute due to other issues between Rantoul and Champaign, then 3 minutes due to handicapped passenger related delays at Champaign, then 2 minutes due to a crew and system delay between Champaign and Mattoon, then 2 minutes due to slow orders between Champaign and Mattoon. Train 391 was then delayed 1 minute due to a passenger related delay at Effingham, then 9 minutes due to freight train 371 at Edgewood, then 4 minutes due to a police-related delay at Centralia, then 4 minutes due to slow orders between Centralia and Du Quoin, then 1 minute due to a maintenance of way delay between Centralia and Du Quoin, then 1 minute due to signal delays between Du Quoin and Carbondale. Train 391 arrived in Champaign 27 minutes late affecting 83 passengers boarding or detraining at this station stop, and in Centralia 39 minutes late affecting 20 passengers boarding or detraining at this station stop. In total, train 391 incurred 41 minutes of CN Host Responsible Delay 33 of which was freight train interference, 9 minutes of Amtrak responsible delay, and 4 minutes of Third party delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
41 (including 33" FTI)	0	9	4

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	141
HMW	Arrived 2 minutes late	23
KKI	Arrived 1 minute late	14
GLM	Arrived 26 minutes late	0
RTL	Arrived 27 minutes late	5
CHM	Arrived 27 minutes late	83
MAT	Arrived 28 minutes late	10
EFG	Arrived 29 minutes late	30
CEN	Arrived 39 minutes late	20
DQN	Arrived 48 minutes late	1
CDL	Arrived 15 minutes late	81

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On August 9, 2013, train 58 departed New Orleans on time. The train was then delayed 3 minutes due to other issues between Southport Junction and Hammond, then 1 minute due to slow order delays between Hammond and McComb, then 1 minute due to passenger related delays at McComb, then 5 minutes due to an air hose coming loose at Brookhaven, then 6 minutes due to a loose air hose between Hazlehurst and Jackson, then 43 minutes due to a freight train at McDowell, then 1 minute due to maintenance of way delay between Jackson and Yazoo City, then 3 minutes due to passenger related delays at Greenwood, then 3 minutes due to signal delays at Shelby, then 7 minutes due to routing delays at Harrison yard, then 2 minutes due to other issues between Greenwood and Memphis. Train 58 was then delayed by a total of 6 minutes due to slow order delays between Memphis and Newbern-Dyersburg, then 7 minutes due to other issues within the same segment, then 2 minutes due to passenger related delays at Newbern-Dyersburg, then 1 minute due to slow order delays between Newbern-Dyersburg and Fulton, then 2 minutes due to other issues within the same segment, then 27 minutes due to Amtrak train 59 at Anna, then 3 minutes due to weather related issues between Fulton and Carbondale, then 1 minute due to passenger related delays at Carbondale, then 1 minute due to slow order delays between Carbondale and Centralia, then 1 minute due to slow order delays between Centralia and Effingham, then 14 minutes due to cross traffic at Tolono, then 3 minutes due to passenger related delays at Champaign, then 1 minute due to a freight train between Champaign and Kankakee, then 2 minutes due to a handicapped passenger related delay at Kankakee, then 10 minutes due to following freight train Q195 from North Kankakee to Stuenkel, then 3 minutes due to Amtrak train 391 between Homewood and Clark Street. Train 58 arrived in Jackson 28 minutes late affecting 58 passengers boarding or detraining at this station stop, in Champaign 27 minutes late affecting 49 passengers boarding or detraining at this station stop, and in Homewood 40 minutes late affecting 26 passengers boarding or detraining at this station stop. In total, train 58 incurred 119 minutes of CN Host Responsible Delay 68 of which was freight train interference, 37 minutes of Amtrak responsible delay, and 3 minutes of third party delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
119 (including 68" FTI)	0	37	3

Station	Performance at Station	Total Riders Affected
NOL	Departed on time	112
HMD	Arrived 3 minutes late	13
MCB	Arrived 4 minutes late	13
BRH	Arrived 5 minutes late	8
HAZ	Arrived 9 minutes late	2
JAN	Arrived 28 minutes late	58
YAZ	Arrived 23 minutes late	5
GWD	Arrived 22 minutes late	26
MEM	Arrived 8 minutes late	86
NBN	Arrived 11 minutes late	6
FTN	Arrived 12 minutes late	4
CDL	Arrived 19 minutes late	35
CEN	Arrived 21 minutes late	3
EFG	Arrived 21 minutes late	5
MAT	Arrived 20 minutes late	5
CHM	Arrived 27 minutes late	49
KKI	Arrived 30 minutes late	15
HMW	Arrived 40 minutes late	26
CHI	Arrived 15 minutes late	187

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On August 20, 2013, train 392 departed Carbondale on time and was delayed 2 minutes due to signal delays between Carbondale and Du Quoin, then by a total of 8 minutes due to slow orders between Centralia and Effingham, then 1 minute due to handicapped passenger related delay at Effingham, then 6 minutes due to Amtrak train 393 at North Tuscola, then 6 minutes due to a freight train at North Tolono, then 3 minutes due to slow orders between Champaign and Rantoul. Train 392 was then delayed 9 minutes due to freight train Q194 at North Paxton, then 1 minute due to other issues between Gilman and Kankakee, then 1 minute due to freight train L536 between Kankakee and Homewood, then 13 minutes due to a three way meet** with freight train L536 and Amtrak train 59, then 3 minutes due to commuter train interference delays between Clark Street and Roosevelt. Train 392 arrived in Champaign 18 minutes late affecting 78 passengers boarding or detraining at this station stop, in Homewood 32 minutes late affecting 19 passengers boarding or detraining at this station stop, and in Chicago 17 minutes late affecting 103 passengers detraining at this station stop. In total, train 392 incurred 48 minutes of CN Host Responsible Delay 29 of which was freight train interference, 3 minutes of host responsible delay on other hosts, and 2 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
48 (including 29" FTI)	3	2	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	52
DQN	Arrived 2 minutes late	11
CEN	Arrived 2 minutes late	12
EFG	Arrived 10 minutes late	8
MAT	Arrived 11 minutes late	15
CHM	Arrived 18 minutes late	78
RTL	Arrived 21 minutes late	3
GLM	Arrived 30 minutes late	1
KKI	Arrived 31 minutes late	6
HMW	Arrived 32 minutes late	19
CHI	Arrived 17 minutes late	103

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

** A three way meet is a situation in which an Amtrak train meets two other trains at the same siding, in a manner that forces the Amtrak train to pull into the clear, stop, let one train pass, then back up in order to get around the other train. The two other trains can be two freight trains, or a freight train and another Amtrak train. CN can avoid such situations by holding one of the involved freight trains at a prior siding.

- On August 26, 2013, train 391 departed Chicago on time and was delayed 3 minutes prior to entering CN due to commuter train interference delays between Chicago and Clark Street. The train was then delayed 1 minute due to a freight train between Clark Street and Homewood, then 2 minutes due to other issues between Homewood and Kankakee, then 2 minutes due to routing delays at Gilman, then 3 minutes due to a freight train at Delrey, then 23 minutes due to a three way meet with freight train 371 and Amtrak train 390 between Rantoul and Champaign, then 3 minutes due to other issues between Champaign and Mattoon, then 1 minute due to handicapped passenger related delays at Mattoon. Train 391 was then delayed 5 minutes due to a freight train at Kinmundy, then 4 minutes due to slow orders between Effingham and Centralia, then 2 minutes due to passenger related delays at Centralia, then 3 minutes due to slow orders between Centralia and Du Quoin, and then 2 minutes due to other issues between Centralia and Du Quoin. Train 391 arrived in Champaign 31 minutes late affecting 95 passengers boarding or detraining at this station stop, and in Centralia 39 minutes late affecting 19 passengers boarding or detraining at this station stop. In total, train 391 incurred 41 minutes of CN Host Responsible Delay 32 of which was freight train interference, 3 minutes of host responsible delay on other hosts, and 10 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
41 (including 32" FTI)	3	10	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	158
HMW	Arrived on time	14
KKI	Arrived 3 minutes late	11
GLM	Arrived 6 minutes late	1
RTL	Arrived 8 minutes late	1
CHM	Arrived 31 minutes late	95
MAT	Arrived 29 minutes late	14
EFG	Arrived 31 minutes late	18
CEN	Arrived 39 minutes late	19
DQN	Arrived 47 minutes late	4
CDL	Arrived 12 minutes late	41

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 3, 2013, train 390 departed Carbondale on time and was delayed 1 minute due to other issues between Carbondale and Du Quoin, then 1 minute due to passenger related delay at Du Quoin, then 2 minutes due to other issues between Du Quoin and Centralia, then 1 minute due to passenger related delay at Centralia, then 2 minutes due to slow orders between Centralia and Effingham, then 3 minutes due to other issues between Centralia and Effingham, then 1 minute due to passenger related delay at Effingham, then 1 minute due to passenger related delay at Mattoon, then 3 minutes due to crew and system related delays between Mattoon and Champaign, then 4 minutes due to slow orders between within the same segment, then 2 minutes due to other issues within the same segment, then 2 minute due to passenger related delays at Champaign. Train 390 was then delayed 2 minutes due to other issues between Rantoul and Gilman, then 22 minutes at South Ashkum due to meeting freight train M371, then 8 minutes due to cross traffic at 21st Street. Train 390 arrived in Champaign 15 minutes late affecting 109 passengers boarding or detraining at this station stop and in Homewood 40 minutes late affecting 20 passengers boarding or detraining at this station stop. In total, train 390 incurred 28 minutes of CN Host Responsible Delay 22 of which was freight train interference, 8 minutes of host responsible delay on other hosts, and 19 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
28 (including 22" FTI)	8	19	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	51
DQN	Arrived 2 minutes late	15
CEN	Arrived 4 minutes late	21
EFG	Arrived 9 minute late	34
MAT	Arrived 11 minutes late	24
CHM	Arrived 15 minutes late	109
RTL	Arrived 19 minutes late	3
GLM	Arrived 21 minutes late	2
KKI	Arrived 40 minutes late	12
HMW	Arrived 40 minutes late	20
CHI	Arrived 20 minutes late	201

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 4, 2013, train 393 departed Chicago on time and was delayed 3 minutes due to other issues between Homewood and Kankakee, then 1 minute due to other issues between Kankakee and Gilman, then 15 minutes due to freight train M399 between Gilman and Rantoul, then 1 minute due to passenger related delay at Champaign, then 12 minutes due to Amtrak train 392 at North Tuscola, then 15 minutes due to freight trains L551 and M396 between Champaign and Mattoon, then 2 minutes due to slow orders between Mattoon and Effingham, then by a total of 4 minutes due to slow orders between Effingham and Centralia, then 1 minute due to passenger related delay at Centralia. Train 393 arrived in Champaign 20 minutes late affecting 80 passengers boarding or detraining at this station stop, in Mattoon 41 minutes late affecting 22 passengers boarding or detraining at this station stop, and in Centralia 48 minutes late affecting 13 passengers boarding or detraining at this station stop. In total, train 393 incurred 48 minutes of CN Host Responsible Delay 30 of which was freight train interference, and 6 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
48 (including 30" FTI)	0	6	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	136
HMW	Arrived 2 minutes late	18
KKI	Arrived 3 minutes late	17
GLM	Arrived 4 minutes late	1
RTL	Arrived 19 minutes late	6
CHM	Arrived 20 minutes late	80
MAT	Arrived 41 minutes late	22
EFG	Arrived 44 minutes late	18
CEN	Arrived 48 minutes late	13
DQN	Arrived 50 minutes late	4
CDL	Arrived 15 minutes late	39

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 8, 2013, train 392 departed Carbondale 2 minutes late due to waiting for orders from CN, then was delayed 1 minute due to passenger related delay at Du Quoin, then 1 minute due to handicapped passenger related delay at Centralia, then 10 minutes due to a police-related delay at Watson, then 2 minutes due to passenger related delay at Mattoon, then 1 minute due to handicapped passenger related delay at Mattoon, then 8 minutes due to signal delays between Mattoon and Champaign, then 2 minutes due to passenger related delay at Champaign, then 5 minutes due to a freight train at Leverett Junction, then 18 minutes due to freight train 194 at Paxton, then 1 minute due to other issues between Gilman and Kankakee, then 18 minutes due to Amtrak train 59 at Peotone. Train 392 arrived in Champaign 19 minutes late affecting 125 passengers boarding or detraining at this station stop, in Homewood 1 hour and 3 minutes late affecting 19 passengers boarding or detraining at this station stop, and in Chicago 30 minutes late affecting 158 passengers detraining at this station stop. In total, train 392 incurred 49 minutes of CN Host Responsible Delay 23 of which was freight train interference, 10 minutes of Amtrak responsible delay, and 10 minutes of third party delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
49 (including 23" FTI)	0	10	10

Station	Performance at Station	Total Riders Affected
CDL	Departed 2 minutes late	118
DQN	Arrived 2 minutes late	11
CEN	Arrived 3 minutes late	18
EFG	Arrived 14 minutes late	12
MAT	Arrived 14 minutes late	42
CHM	Arrived 19 minutes late	125
RTL	Arrived 27 minutes late	4
GLM	Arrived 44 minutes late	1
KKI	Arrived 45 minutes late	18
HMW	Arrived 1 hour and 3 minutes late	19
CHI	Arrived 30 minutes late	158

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 9, 2013, train 390 departed Carbondale on time and was delayed 6 minutes due to a freight train between Du Quoin and Centralia, then 15 minutes between Centralia and Effingham due to freight train A432, then 7 minutes between Effingham and Mattoon due to freight train E298, then 7 minutes between Mattoon and Champaign due to freight train E298, then 5 minutes due to slow orders between Rantoul and Gilman, then 4 minutes due to routing delays, then 6 minutes due to maintenance of way delays between Homewood and Clark Street. Train 390 arrived in Champaign 32 minutes late affecting 78 passengers boarding or detraining at this station stop and in Homewood 34 minutes late affecting 9 passengers boarding or detraining at this station stop. In total, train 390 incurred 50 minutes of CN Host Responsible Delay 35 of which was freight train interference. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
50 (including 35" FTI)	0	0	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	35
DQN	Arrived on time	2
CEN	Arrived 5 minutes late	14
EFG	Arrived 20 minute late	12
MAT	Arrived 28 minutes late	20
CHM	Arrived 32 minutes late	78
RTL	Arrived 34 minutes late	3
GLM	Arrived 36 minutes late	0
KKI	Arrived 35 minutes late	8
HMW	Arrived 34 minutes late	9
CHI	Arrived 13 minutes late	137

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 12, 2013, train 365 departed Port Huron on time. The train was then delayed 17 minutes at Imlay City due to a freight train, then 2 minutes due to maintenance of way delays between Port Huron and Lapeer, then 1 minute due to passenger related delays at Lapeer, then 7 minutes due to freight train 332 at West Lapeer, then 4 minutes due to other issues between Lapeer and Flint, then 6 minutes due to passenger related delays at Flint, then 7 minutes due to passenger related delays at Durand, then 2 minutes due to passenger related delays at East Lansing, then 2 minutes due to slow order delays between East Lansing and Battle Creek, then 16 minutes due to a freight train at Emmett Street. Train 365 arrived in Flint 22 minutes late affecting 60 passengers boarding or detraining at this station stop, and in East Lansing 19 minutes late affecting 54 passengers boarding or detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 44 minutes of CN Host Responsible Delay 40 of which was freight train interference, and 20 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes. After leaving CN territory the train incurred an additional 11 minutes of host responsible delay on other hosts and 14 minutes of Amtrak responsible delay ultimately arriving in Chicago 39 minutes late affecting 185 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
44 (including 40" FTI)	11	34	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	41
LPE	Arrived 16 minutes late	12
FLN	Arrived 22 minutes late	60
DRD	Arrived 18 minutes late	73
LNS	Arrived 19 minutes late	54
BTL	Arrived 28 minutes late	4
KAL	Arrived 34 minutes late	22
DOA	Arrived 39 minutes late	0
NLS	Arrived 38 minutes late	13
NBU	Arrived 38 minutes late	64
CHI	Arrived 39 minutes late	185

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 13, 2013, train 364 departed Chicago on time. Due to various delays prior to reaching CN territory, train 364 arrived at Battle Creek (the first station on CN territory) 9 minutes late. The train was then delayed 20 minutes due to freight train 371 at McAllister, then 4 minutes due to a passenger related delay at East Lansing, then 15 minutes at North Tappan due to freight train 394. Train 364 arrived in East Lansing 22 minutes late affecting 111 passengers boarding or detraining at this station stop, and in Flint 17 minutes late affecting 49 passengers boarding or detraining at this station stop. In total, train 364 incurred 35 minutes of CN Host Responsible Delay all of which was freight train interference, 7 minutes of host responsible delay on other hosts, and 9 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
35 (including 35" FTI)	7	9	0

Station	Performance at Station	Total Riders Affected
BTL	Arrived 9 minutes late	10
LNS	Arrived 22 minutes late	111
DRD	Arrived 19 minutes late	17
FLN	Arrived 17 minutes late	49
LPE	Arrived 11 minutes late	13
PTH	Arrived 3 minutes late	56

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 13, 2013, train 390 departed Carbondale on time and was delayed 3 minutes due to slow orders between Centralia and Effingham, then 3 minutes due to passenger related delays at Effingham, then 15 minutes between Effingham and Mattoon due to freight train M336, then 17 minutes due to meeting Amtrak train 391 between Mattoon and Champaign, then 1 minute due to passenger related delay at Gilman, then 1 minute due to passenger related delay at Kankakee, then 16 minutes due to freight train A497 between Kankakee and Homewood. Train 390 arrived in Champaign 32 minutes late affecting 132 passengers boarding or detraining at this station stop and in Homewood 48 minutes late affecting 12 passengers boarding or detraining at this station stop. In total, train 390 incurred 51 minutes of CN Host Responsible Delay 31 of which was freight train interference, and 5 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
51 (including 31" FTI)	0	5	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	48
DQN	Arrived 1 minute late	16
CEN	Arrived 2 minutes late	14
EFG	Arrived 8 minutes late	58
MAT	Arrived 20 minutes late	37
CHM	Arrived 32 minutes late	132
RTL	Arrived 37 minutes late	4
GLM	Arrived 39 minutes late	2
KKI	Arrived 39 minutes late	10
HMW	Arrived 48 minutes late	12
CHI	Arrived 12 minutes late	247

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 27, 2013, train 391 departed Chicago on time and was delayed by a total of 8 minutes prior to entering CN due to commuter train interference delays between Chicago and Clark Street. The train was then delayed 2 minutes due to a routing delay at Wildwood, then 1 minute due to other issues between Homewood and Kankakee, then 1 minute due to a passenger related delay at Kankakee, then 2 minutes due to other issues between Kankakee and Gilman, then 1 minute due to slow orders within the same segment. Train 391 was then by 21 minutes due to a three way meet with freight train M336 and Amtrak train 390 at Leverett Junction, then 4 minutes at Champaign due to the same freight train (M336), then 1 minute due to a passenger related delay at Champaign, then 4 minutes due to freight train L551 at Tuscola, then 2 minutes due to a crew and system delay at Mattoon, then 3 minutes due to freight train R930 at North Effingham, then 1 minute due to handicapped passenger related delay at Effingham, then by a total of 3 minutes due slow orders between Effingham to Centralia, then 2 minutes due to a crew and system delay at Laclede. Train 391 arrived in Champaign 39 minutes late affecting 103 passengers boarding or detraining at this station stop, and in Du Quoin 50 minutes late affecting 10 passengers boarding or detraining at this station stop. In total, train 391 incurred 38 minutes of CN Host Responsible Delay 32 of which was freight train interference, 8 minutes of host responsible delay on other hosts, and 10 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
38 (including 32" FTI)	8	10	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	179
HMW	Arrived 10 minutes late	21
KKI	Arrived 11 minutes late	12
GLM	Arrived 15 minutes late	4
RTL	Arrived 14 minutes late	2
CHM	Arrived 39 minutes late	103
MAT	Arrived 39 minutes late	23
EFG	Arrived 44 minutes late	9
CEN	Arrived 50 minutes late	14
DQN	Arrived 50 minutes late	10
CDL	Arrived 15 minutes late	101

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 7, 2013, train 390 departed Carbondale on time and was delayed 2 minutes due to cross traffic at Tamaroa, then 2 minutes due to weather related delays between Centralia and Effingham, then 1 minute due to a handicapped passenger related delay at Mattoon, then 8 minutes due to following freight train L598 from Tolono to Champaign, then 1 minute due to handicapped passenger related delay at Champaign. Train 390 was then delayed 10 minutes in a siding at Champaign due to freight train M336, then 20 minutes stopped at Peotone due to freight train W710, then 6 minutes due to slow orders between Kankakee and Homewood, then 3 minutes after the train exited CN. Train 390 arrived in Champaign 12 minutes late affecting 224 passengers boarding or detraining at this station stop and in Homewood 34 minutes late affecting 10 passengers boarding or detraining at this station stop. In total, train 390 incurred 46 minutes of CN Host Responsible Delay 40 of which was freight train interference, 3 minutes of host responsible delay on other hosts, 2 minutes of Amtrak responsible delay, and 2 minutes of third party delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
46 (including 40" FTI)	3	2	2

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	56
DQN	Arrived on time	10
CEN	Arrived on time	23
EFG	Arrived 4 minutes late	22
MAT	Arrived 4 minutes late	150
CHM	Arrived 12 minutes late	224
RTL	Arrived 19 minutes late	4
GLM	Arrived 18 minutes late	0
KKI	Arrived 18 minutes late	13
HMW	Arrived 34 minutes late	10
CHI	Arrived 5 minutes late	160

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 9, 2013, train 393 departed Chicago on time and was delayed 6 minutes due to freight train X536 at North Peotone, then 6 minutes due to freight train M335 at Otto, then 7 minutes due to freight train A497 at South Ashkum, then 1 minute due to other issues between Gilman and Rantoul, then 4 minutes due to freight train M399 at Leverett Junction, then 3 minutes due to other issues between Champaign and Mattoon, then 1 minute due to passenger related delay at Mattoon, then 7 minutes due to freight train X119 at North Neoga, then 1 minute due to slow orders between Effingham and Centralia, then 1 minute due to passenger related delay at Centralia. Train 393 arrived in Champaign 23 minutes late affecting 78 passengers boarding or detraining at this station stop and in Centralia 30 minutes late affecting 26 passengers boarding or detraining at this station stop. In total, train 393 incurred 31 minutes of CN Host Responsible Delay 30 of which was freight train interference, and 6 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
31 (including 30" FTI)	0	6	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	142
HMW	Arrived on time	10
KKI	Arrived 6 minutes late	5
GLM	Arrived 19 minutes late	3
RTL	Arrived 20 minutes late	4
CHM	Arrived 23 minutes late	78
MAT	Arrived 22 minutes late	25
EFG	Arrived 30 minutes late	7
CEN	Arrived 30 minutes late	26
DQN	Arrived 32 minutes late	6
CDL	Arrived 4 minutes early	32

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 11, 2013, train 391 departed Chicago on time and was delayed 17 minutes prior to entering CN due to a signal delay at Clark Street. The train was then delayed 2 minutes due to other issues between Homewood and Rantoul, then 22 minutes by freight train L553 at Leverett Junction, then 11 minutes due to a three way meet involving freight train M342 and Amtrak 390 also at Leverett Junction. Train 391 was then delayed 2 minutes due to other issues between Champaign and Mattoon, then 6 minutes due to freight train 335 at Neoga, then by a total of 4 minutes due to slow orders between Effingham and Du Quoin, and then 3 minutes due to a freight train between Centralia and Du Quoin. Train 391 arrived in Champaign 49 minutes late affecting 102 passengers boarding or detraining at this station stop, in Du Quoin 1 hour late affecting 11 passengers boarding or detraining at this station stop, and in Carbondale 25 minutes late affecting 86 passengers detraining at this station stop. In total, train 391 incurred 46 minutes of CN Host Responsible Delay 42 of which was freight train interference, 17 minutes of host responsible delay on other hosts, and 4 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
46 (including 42" FTI)	17	4	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	168
HMW	Arrived 14 minutes late	19
KKI	Arrived 16 minutes late	11
GLM	Arrived 9 minutes late	2
RTL	Arrived 17 minutes late	1
CHM	Arrived 49 minutes late	102
MAT	Arrived 47 minutes late	13
EFG	Arrived 53 minutes late	11
CEN	Arrived 53 minutes late	18
DQN	Arrived 1 hour late	11
CDL	Arrived 25 minutes late	86

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 12, 2013, train 392 departed Carbondale on time and was delayed 1 minute due to signal delays between Carbondale and Du Quoin, then 1 minute due to handicapped passenger related delays at Du Quoin, then 10 minutes due to freight train M342 at Edgewood Junction, then 3 minutes due to other issues between Centralia and Effingham, then 19 minutes due to freight train M336 at Neoga, then 1 minute due to other issues between Mattoon and Champaign, then 2 minutes due to handicapped passenger related delays at Champaign. Train 392 was then delayed 3 minutes due to freight train A497 between Champaign and Rantoul, then 1 minute due to other issues between Rantoul and Gilman, then 10 minutes due to passenger train interference at Stuenkel, then 1 minute due to passenger related delay at Homewood. Train 392 arrived in Champaign 29 minutes late affecting 67 passengers boarding or detraining at this station stop, and in Homewood 46 minutes late affecting 41 passengers boarding or detraining at this station stop. In total, train 392 incurred 43 minutes of CN Host Responsible Delay 32 of which was freight train interference, and 9 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
43 (including 32" FTI)	0	9	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	200
DQN	Arrived 1 minute late	5
CEN	Arrived 2 minutes late	16
EFG	Arrived 15 minutes late	7
MAT	Arrived 34 minutes late	13
CHM	Arrived 29 minutes late	67
RTL	Arrived 35 minutes late	4
GLM	Arrived 36 minutes late	2
KKI	Arrived 36 minutes late	14
HMW	Arrived 46 minutes late	41
CHI	Arrived 12 minutes late	189

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 13, 2013, train 393 departed Chicago 6 minutes late due to crew and system related delay, then was delayed 2 minutes due to commuter train interference between Roosevelt and Clark Street. Due to these delays prior to reaching CN territory, train 393 arrived at Homewood (the first station on CN territory) 10 minutes late. The train was then delayed 12 minutes due to a freight train between Homewood and Kankakee, then 6 minutes due to freight train A497 between Rantoul and Champaign, then 11 minutes due to freight train M396 between Champaign and Mattoon, then 3 minutes due to passenger related delays at Mattoon, then 3 minutes due to a freight train between Mattoon and Effingham. Train 393 arrived in Champaign 27 minutes late affecting 156 passengers boarding or detraining at this station stop and in Mattoon 34 minutes late affecting 137 passengers boarding or detraining at this station stop. In total, train 393 incurred 32 minutes of CN Host Responsible Delay all of which was freight train interference, 2 minutes of host responsible delay on other hosts, and 9 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
32 (including 32" FTI)	2	9	0

Station	Performance at Station	Total Riders Affected
CHI	Departed 6 minutes late	242
HMW	Arrived 10 minutes late	44
KKI	Arrived 21 minutes late	12
GLM	Arrived 22 minutes late	1
RTL	Arrived 23 minutes late	2
CHM	Arrived 27 minutes late	156
MAT	Arrived 34 minutes late	137
EFG	Arrived 39 minutes late	20
CEN	Arrived 39 minutes late	13
DQN	Arrived 40 minutes late	8
CDL	Arrived 4 minutes late	55

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 16, 2013, train 59 departed Chicago on time. The train was then delayed 5 minutes due to passenger related delays at Homewood, then 2 minutes due to handicapped passenger related delays at Kankakee, then 1 minute due to freight train X542 at Rantoul, then 1 minute due to a freight train at Champaign, then 1 minute due to passenger related delays at Champaign, then 2 minutes due to following freight train 194 from Tuscola to Mattoon, then 2 minutes due to passenger related delays at Effingham, then 2 minutes due to a freight train at Tonti, then 2 minutes due to slow order delays between Centralia and Carbondale, then 2 minutes due to other issues within the same segment. Train 59 was then delayed 30 minutes due to freight train Q195 at South Carbondale, then 1 minute due to other issues between Carbondale and Fulton, then 15 minutes due to following a freight train between Newbern-Dyersburg and Memphis, then 1 minute due to slow orders within the same segment, then 5 minutes due to other issues within the same segment, then 10 minutes due to routing delays between Memphis and Greenwood, then 12 minutes due to a freight train within the same segment. Train 59 was then delayed 1 minute due to a passenger related delay at Greenwood, then 4 minutes due to slow order delays between Greenwood and Yazoo City, then 13 minutes due to maintenance of way delays between Yazoo City and Jackson, then 3 minutes due to passenger related delays at Jackson, then 5 minutes due to slow order delays between Jackson and Hazlehurst, then 2 minutes due to passenger related delays at Brookhaven, then 20 minutes due to a freight train between McComb and Hammond, then 3 minutes due to Amtrak train 58 at Frenier, then 1 minute due to slow orders between Hammond and Southport Junction. Train 59 arrived in Fulton 42 minutes late affecting 3 passengers boarding or detraining at this station stop, in Greenwood 18 minutes late affecting 23 passengers boarding or detraining at this station stop, and in Hammond 27 minutes late affecting 24 passengers boarding or detraining at this station stop. In total, train 59 incurred 122 minutes of CN Host Responsible Delay 83 of which was freight train interference, and 24 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
122 (including 83" FTI)	0	24	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	194
HMW	Arrived 1 minute late	28
KKI	Arrived 5 minutes late	10
CHM	Arrived 6 minutes late	30
MAT	Arrived 15 minutes late	11
EFG	Arrived 14 minutes late	4
CEN	Arrived 16 minutes late	9
CDL	Arrived 15 minutes late	49
FTN	Arrived 42 minutes late	3
NBN	Arrived 38 minutes late	4
MEM	Arrived 3 minutes late	99
GWD	Arrived 18 minutes late	23
YAZ	Arrived 22 minutes late	9
JAN	Arrived 7 minutes late	111
HAZ	Arrived 14 minutes late	2
BRH	Arrived 10 minutes late	57
MCB	Arrived 12 minutes late	4
HMD	Arrived 27 minutes late	24
NOL	Arrived 25 minutes early	135

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 19, 2013, train 393 departed Chicago on time and was delayed 1 minute due to other issues between Homewood and Kankakee, then 10 minutes due to a freight train at North Gilman, then 2 minutes due to a freight train at Delrey, then 1 minute due to other issues between Rantoul and Champaign, then 21 minutes at North Tuscola due to freight train L551, then 1 minute due to other issues between Mattoon and Effingham, then 8 minutes due to a freight train between Effingham and Centralia. Train 393 arrived in Mattoon 29 minutes late affecting 36 passengers boarding or detraining at this station stop and in Centralia 37 minutes late affecting 27 passengers boarding or detraining at this station stop. In total, train 393 incurred 41 minutes of CN Host Responsible Delay all of which was freight train interference, and 3 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
41 (including 41" FTI)	0	3	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	178
HMW	Arrived on time	12
KKI	Arrived 1 minute late	8
GLM	Arrived 11 minutes late	2
RTL	Arrived 13 minutes late	1
CHM	Arrived 14 minutes late	119
MAT	Arrived 29 minutes late	36
EFG	Arrived 31 minutes late	25
CEN	Arrived 37 minutes late	27
DQN	Arrived 37 minutes late	3
CDL	Arrived 1 minute late	51

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 21, 2013, train 392 departed Carbondale on time and was delayed 3 minutes due to signal delays between Carbondale and Du Quoin, then 1 minute due to other issues between Du Quoin and Centralia, then 1 minute due to a passenger related delay at Centralia, then 4 minutes due to other issues between Centralia and Effingham, then 1 minute due to passenger related delay at Mattoon, then 4 minutes at Tuscola due to meeting Amtrak train 292, then 2 minutes due to handicapped passenger related delay at Champaign, then 3 minutes in a siding at Champaign due to freight train 371, then 4 minutes in a siding at Rantoul due to a freight train. Train 392 was then delayed 5 minutes due to freight train Q194 at Gilman, then 5 minutes due to signal delays between Gilman and Kankakee, then 3 minutes due to a freight train between Kankakee and Homewood, then 11 minutes due to a three way meet with a freight train and Amtrak train 59 at Homewood, then 9 minutes due to a commuter train interference delays between Clark Street and Roosevelt. Train 392 arrived in Homewood 30 minutes late affecting 22 passengers boarding or detraining at this station stop, and in Chicago 19 minutes late affecting 146 passengers detraining at this station stop. In total, train 392 incurred 38 minutes of CN Host Responsible Delay 26 of which was freight train interference, 9 minutes of host responsible delay on other hosts, and 9 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
38 (including 26" FTI)	9	9	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	86
DQN	Arrived 3 minutes late	7
CEN	Arrived 4 minutes late	15
EFG	Arrived 7 minutes late	10
MAT	Arrived 8 minutes late	26
CHM	Arrived 8 minutes late	75
RTL	Arrived 14 minutes late	5
GLM	Arrived 17 minutes late	4
KKI	Arrived 26 minutes late	8
HMW	Arrived 30 minutes late	22
CHI	Arrived 19 minutes late	146

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 22, 2013, train 59 departed Chicago on time. The train was then delayed 3 minutes due to a routing delay at Clark Street, then 4 minutes due to passenger related delays at Homewood, then 8 minutes due to freight train M335 at Peotone, then 3 minutes due to following freight train Q194 through Champaign siding, then an additional 4 minutes following the same freight train (Q194) from Tolono to Tuscola, then 19 minutes due to freight train Q195 at South Carbondale, then 24 minutes due to freight train Q195 at Trimble, then 1 minute due to a freight train at Dyersburg, then 1 minute due to routing delays at Woodstock, then 3 minutes due to other issues between Newbern-Dyersburg and Memphis, then 2 minutes due to passenger related delays at Memphis. Train 59 was then delayed 3 minutes due to a freight train at South Brazil, then 46 minutes at North Money due to a three way meet with freight trains A420 and C773, then 2 minutes due to passenger related delays at Greenwood, then 5 minutes due to slow order delays between Greenwood and Yazoo City, then 37 minutes due to a freight train between Yazoo City and Jackson, then 6 minutes due to passenger related delays at Jackson, then 4 minutes due to freight traffic at the South Jackson yard, then 2 minutes due to routing delays between Brookhaven and McComb, then 1 minute due to routing delays between McComb and Hammond, then 2 minutes due to slow orders within the same segment, then 20 minutes due to Amtrak train 58 at North Hammond. Train 59 arrived in Greenwood 48 minutes late affecting 13 passengers boarding or detraining at this station stop, in Jackson 1 hour and 2 minutes late affecting 59 passengers boarding or detraining at this station stop, in McComb 1 hour and 7 minutes late affecting 11 passengers boarding or detraining at this station stop, and in New Orleans 29 minutes late affecting 143 passengers detraining at this station stop. In total, train 59 incurred 179 minutes of CN Host Responsible Delay 145 of which was freight train interference, and 17 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
179 (including 145" FTI)	0	21	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	117
HMW	Arrived 3 minutes late	20
KKI	Arrived 15 minutes late	6
CHM	Arrived 14 minutes late	26
MAT	Arrived 17 minutes late	7
EFG	Arrived 16 minutes late	3
CEN	Arrived 14 minutes late	6
CDL	Arrived 7 minutes late	36
FTN	Arrived 22 minutes late	0
NBN	Arrived 43 minutes late	1
MEM	Arrived 10 minutes early	90
GWD	Arrived 48 minutes late	13
YAZ	Arrived 53 minutes late	4
JAN	Arrived 1 hour and 2 minutes late	59
HAZ	Arrived 1 hour and 11 minutes late	1
BRH	Arrived 1 hour and 8 minutes late	1
MCB	Arrived 1 hour and 7 minutes late	11
HMD	Arrived 1 hour and 26 minutes late	6
NOL	Arrived 29 minutes late	143

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 24, 2013, train 391 departed Chicago on time and was delayed 14 minutes prior to entering CN due to commuter train interference delays between Chicago and Clark Street. The train was then delayed 4 minutes due to commuter train interference delays between Clark Street and Homewood, then 3 minutes due to other issues between Homewood and Kankakee, then 1 minute due to a handicapped passenger related delay at Kankakee, then 19 minutes by freight train M336 from Kankakee to Gilman, then 2 minutes due to slow orders from Gilman to Rantoul, then 1 minute due to other issues from Rantoul to Champaign, then 1 minute due to being delayed in block at Champaign, then 3 minutes due to other issues between Champaign and Mattoon. Train 391 was then delayed by a total of 19 minutes by freight trains 431 and 342 between Mattoon and Effingham, then 2 minutes due to slow orders at Edgewood Junction, then 1 minute due to other issues between Centralia and Effingham, then 1 minute due to a handicapped passenger related delay at Du Quoin, then 1 minute due to other issues between Du Quoin and Carbondale. Train 391 arrived in Champaign 44 minutes late affecting 49 passengers boarding or detraining at this station stop, in Du Quoin 1 hour 5 minutes late affecting 13 passengers boarding or detraining at this station stop, and in Carbondale 32 minutes late affecting 66 passengers detraining at this station stop. In total, train 391 incurred 46 minutes of CN Host Responsible Delay 38 of which was freight train interference, 14 minutes of host responsible delay on other hosts, and 12 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
46 (including 38" FTI)	14	12	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	103
HMW	Arrived 17 minutes late	18
KKI	Arrived 20 minutes late	15
GLM	Arrived 40 minutes late	0
RTL	Arrived 43 minutes late	4
CHM	Arrived 44 minutes late	49
MAT	Arrived 43 minutes late	15
EFG	Arrived 48 minutes late	7
CEN	Arrived 1 hour and 4 minutes late	8
DQN	Arrived 1 hour and 5 minutes late	13
CDL	Arrived 32 minutes late	66

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 25, 2013, train 390 departed Carbondale on time and was delayed 18 minutes due to freight train A342 between Centralia and Effingham, then 8 minutes due to freight train M336 between Champaign and Rantoul, then 11 minutes within the same segment due to Amtrak train 391, then 3 minutes due to freight train L553 between Rantoul and Gilman, then 3 minutes due to signal delays between Gilman and Kankakee, then 6 minutes due to freight train A497 between Kankakee and Homewood. Train 390 arrived in Mattoon 17 minutes late affecting 38 passengers boarding or detraining at this station stop and in Homewood 44 minutes late affecting 18 passengers boarding or detraining at this station stop. In total, train 390 incurred 49 minutes of CN Host Responsible Delay 35 of which was freight train interference. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
49 (including 35" FTI)	0	0	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	39
DQN	Arrived on time	14
CEN	Arrived 1 minute early	6
EFG	Arrived 17 minute late	35
MAT	Arrived 17 minutes late	38
CHM	Arrived 14 minutes late	114
RTL	Arrived 32 minutes late	3
GLM	Arrived 35 minutes late	4
KKI	Arrived 38 minutes late	11
HMW	Arrived 44 minutes late	18
CHI	Arrived 8 minutes late	194

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 26, 2013, train 393 departed Chicago on time and was delayed 5 minutes due to routing delays between Roosevelt and Clark Street and 8 minutes due to commuter train interference delays within the same segment, then 1 minute due to other issues between Clark Street and Homewood. Due to the delays prior to reaching CN territory and the delay between Clark Street and Homewood, train 393 arrived at Homewood (the first station on CN territory) 14 minutes late. The train was then delayed 3 minutes due to other issues between Homewood and Kankakee, then 5 minutes due to a freight train at Paxton, then 3 minutes due to signal delays between Rantoul and Champaign, then 24 minutes due to a three way meet with a freight train and Amtrak train 392 at Tuscola. Train 393 arrived in Champaign 28 minutes late affecting 137 passengers boarding or detraining at this station stop, in Mattoon 43 minutes late affecting 34 passengers boarding or detraining at this station stop, and in Centralia 42 minutes late affecting 17 passengers boarding or detraining at this station stop. In total, train 393 incurred 32 minutes of CN Host Responsible Delay 29 of which was freight train interference, 13 minutes of host responsible delay on other hosts, and 4 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
32 (including 29" FTI)	13	4	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	153
HMW	Arrived 14 minutes late	27
KKI	Arrived 17 minutes late	10
GLM	Arrived 17 minutes late	1
RTL	Arrived 22 minutes late	5
CHM	Arrived 28 minutes late	137
MAT	Arrived 43 minutes late	34
EFG	Arrived 43 minutes late	12
CEN	Arrived 42 minutes late	17
DQN	Arrived 42 minutes late	6
CDL	Arrived 7 minutes late	54

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 27, 2013, train 365 departed Port Huron 1 minute late. The train was then delayed 2 minutes due to other issues between Port Huron and Lapeer, then 39 minutes due to freight trains 332 and 148 at West Lapeer, then 3 minutes due to slow orders between East Lansing to Battle Creek. Train 365 arrived in Flint 34 minutes late affecting 32 passengers boarding or detraining at this station stop, and in East Lansing 22 minutes late affecting 80 passengers boarding or detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 42 minutes of CN Host Responsible Delay, 39 of which was freight train interference, and 2 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes. After leaving CN territory the train incurred an additional 47 minutes of host responsible delay on other hosts and 12 minutes of Amtrak responsible delay ultimately arriving in Chicago 59 minutes late affecting 178 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
42 (including 39" FTI)	47	14	0

Station	Performance at Station	Total Riders Affected
PTH	Departed 1 minute late	18
LPE	Arrived on time	12
FLN	Arrived 34 minutes late	32
DRD	Arrived 27 minutes late	9
LNS	Arrived 22 minutes late	80
BTL	Arrived 17 minutes late	15
KAL	Arrived 24 minutes late	47
DOA	Arrived 28 minutes late	8
NLS	Arrived 30 minutes late	21
NBU	Arrived 32 minutes late	24
CHI	Arrived 59 minutes late	178

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 29, 2013, train 391 departed Chicago on time and was delayed 12 minutes due to Amtrak train 58 at Clark Street, then delayed by a total of 5 minutes due to other issues between Homewood and Rantoul, then 10 minutes due to a three way meet at Leverett Junction, then 4 minutes at Champaign due to freight train M336, then 1 minute due to slow orders between Champaign and Mattoon, then 18 minutes due to following freight train M342 from Tuscola to Humboldt, then 4 minutes due to other issues from Champaign to Mattoon. Train 391 arrived in Champaign 28 minutes late affecting 41 passengers boarding or detraining at this station stop, and in Mattoon 44 minutes late affecting 15 passengers boarding or detraining at this station stop. In total, train 391 incurred 45 minutes of CN Host Responsible Delay 22 of which was freight train interference, and 9 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
45 (including 22" FTI)	0	9	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	67
HMW	Arrived 12 minutes late	8
KKI	Arrived 13 minutes late	6
GLM	Arrived 14 minutes late	0
RTL	Arrived 15 minutes late	0
CHM	Arrived 28 minutes late	41
MAT	Arrived 44 minutes late	15
EFG	Arrived 44 minutes late	2
CEN	Arrived 44 minutes late	6
DQN	Arrived 45 minutes late	2
CDL	Arrived 11 minutes late	25

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 9, 2014, train 390 departed Carbondale 6 minutes late due to a crew and system delay, then was delayed 2 minutes due to passenger related delays at Centralia, then 2 minutes due to signal delays between Centralia and Effingham, then 1 minute due to a crew and system delay at Effingham, then 2 minutes due to slow order delays between Effingham and Mattoon, then 2 minutes due to signal delays between Mattoon and Champaign, then 5 minutes due to passenger related delays at Champaign. Train 390 was then delayed 3 minutes due to a freight train between Champaign and Rantoul, then 26 minutes due to a freight train between Gilman and Kankakee, then 19 minutes due to a freight train at Stuenkel, then 3 minutes due to routing delays between Clark Street and Chicago. Train 390 arrived in Kankakee 43 minutes late affecting 12 passengers boarding or detraining at this station stop, in Homewood 1 hour and 2 minutes late affecting 17 passengers boarding or detraining at this station stop, and in Chicago 34 minutes late affecting 257 passengers detraining at this station stop. In total, train 390 incurred 54 minutes of CN Host Responsible Delay 48 of which was freight train interference, 3 minutes of host responsible delay on other hosts, and 14 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
54 (including 48" FTI)	3	14	0

Station	Performance at Station	Total Riders Affected
CDL	Departed 6 minutes late	83
DQN	Arrived 6 minutes late	3
CEN	Arrived 6 minutes late	14
EFG	Arrived 9 minutes late	10
MAT	Arrived 12 minutes late	19
CHM	Arrived 9 minutes late	200
RTL	Arrived 17 minutes late	2
GLM	Arrived 18 minutes late	1
KKI	Arrived 43 minutes late	12
HMW	Arrived 1 hour and 2 minutes late	17
CHI	Arrived 34 minutes late	257

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 10, 2014, train 391 departed Chicago 2 minutes late and was delayed 11 minutes prior to entering CN due to commuter train interference delay between Chicago and Clark Street. The train was then delayed 1 minute due to routing delays and 15 minutes due to passenger train interference all between Clark Street and Homewood, then 1 minute due to slow orders and 1 minute due to other issues between Homewood and Kankakee. Train 391 was then delayed 8 minutes due to a three way meet with freight train 397 and Amtrak train 390 between Gilman and Rantoul, then 3 minutes due to freight train 497 between Rantoul and Champaign. Train 391 was then delayed by 3 minutes due to a freight train at Tuscola, then 9 minutes due to a freight train at North Mattoon, then 8 minutes by freight train G891 at South Mattoon. Train 391 arrived in Champaign 37 minutes late affecting 112 passengers boarding or detraining at this station stop, in Mattoon 44 minutes late affecting 12 passengers boarding or detraining at this station stop, and in Carbondale 14 minutes late affecting 48 passengers detraining at this station stop. In total, train 391 incurred 48 minutes of CN Host Responsible Delay 31 of which was freight train interference, 11 minutes of host responsible delay on other hosts, and 1 minute of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
48 (including 31" FTI)	11	1	0

Station	Performance at Station	Total Riders Affected
CHI	Departed 2 minutes late	119
HMW	Arrived 24 minutes late	24
KKI	Arrived 26 minutes late	11
GLM	Arrived 26 minutes late	0
RTL	Arrived 35 minutes late	5
CHM	Arrived 37 minutes late	112
MAT	Arrived 44 minutes late	12
EFG	Arrived 52 minutes late	5
CEN	Arrived 50 minutes late	5
DQN	Arrived 49 minutes late	3
CDL	Arrived 14 minutes late	48

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 15, 2014, train 364 departed Chicago on time. Due to various delays prior to reaching CN territory, train 364 arrived at Battle Creek (the first station on CN territory) 23 minutes late. The train was then delayed 1 minute due to other issues between Battle Creek and East Lansing, then 4 minutes due to a freight train between East Lansing and Durand, then 29 minutes due to a freight train between Durand and Flint, then 1 minute due to other issues between Flint and Lapeer, then 9 minutes due to freight train 396 between Lapeer and Port Huron. Train 364 arrived in Flint 40 minutes late affecting 29 passengers boarding or detraining at this station stop, and in Port Huron 19 minutes late affecting 73 passengers detraining at this station stop. In total, train 364 incurred 42 minutes of CN Host Responsible Delay all of which was freight train interference, 25 minutes of host responsible delay on other hosts, and 3 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
42 (including 42" FTI)	25	3	0

Station	Performance at Station	Total Riders Affected
BTL	Arrived 23 minutes late	18
LNS	Arrived 15 minutes late	56
DRD	Arrived 15 minutes late	9
FLN	Arrived 40 minutes late	29
LPE	Arrived 36 minutes late	20
PTH	Arrived 19 minutes late	73

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 15, 2014, train 392 departed Carbondale on time and was delayed 2 minutes due to signal delays between Carbondale and Du Quoin, then 2 minutes due to a freight train at St. Johns, then 3 minutes due to passenger related delay at Centralia, then 1 minute due to other issues between Centralia and Effingham. Train 392 was then delayed 10 minutes due to passenger train interference with Amtrak train 393 at North Tuscola, then 3 minutes due to freight train 336 between Champaign and Rantoul, then 1 minute due to other issues between Rantoul and Gilman, then 15 minutes due to a freight train between Gilman and Kankakee, then 15 minutes due to a three way meet with freight train M343 and Amtrak train 59 at Stuenkel, then 1 minute due to a routing delay between Homewood and Clark Street. Train 392 arrived in Kankakee 31 minutes late affecting 15 passengers boarding or detraining at this station stop, and in Homewood 46 minutes late affecting 17 passengers boarding or detraining at this station stop. In total, train 392 incurred 48 minutes of CN Host Responsible Delay 35 of which was freight train interference, and 5 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
48 (including 35" FTI)	0	5	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	132
DQN	Arrived 1 minute late	5
CEN	Arrived 4 minutes late	98
EFG	Arrived 7 minutes late	6
MAT	Arrived 6 minutes late	7
CHM	Arrived 12 minutes late	53
RTL	Arrived 15 minutes late	3
GLM	Arrived 16 minutes late	2
KKI	Arrived 31 minutes late	15
HMW	Arrived 46 minutes late	17
CHI	Arrived 13 minutes late	84

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 16, 2014, train 390 departed Carbondale on time and was delayed 2 minutes due to a handicapped passenger related delay at Du Quoin, then 6 minutes due to a freight train between Centralia and Effingham, then 3 minutes due to a freight train at Effingham, then 22 minutes due to freight train Q195 at Tolono, then 2 minutes due to passenger related delay at Champaign. Train 390 was then delayed 13 minutes due to freight train Q195 between Champaign and Rantoul, then 1 minute due to passenger related delay at Kankakee, then 3 minutes due to freight train 317 at Homewood, then 6 minutes due to commuter train interference between Homewood and Clark Street. Train 390 arrived in Champaign 27 minutes late affecting 125 passengers boarding or detraining at this station stop, in Homewood 47 minutes late affecting 11 passengers boarding or detraining at this station stop, and in Chicago 22 minutes late affecting 195 passengers detraining at this station stop. In total, train 390 incurred 53 minutes of CN Host Responsible Delay 47 of which was freight train interference, and 5 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
53 (including 47" FTI)	0	5	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	60
DQN	Arrived on time	6
CEN	Arrived 2 minutes late	7
EFG	Arrived 10 minutes late	18
MAT	Arrived 10 minutes late	33
CHM	Arrived 27 minutes late	125
RTL	Arrived 43 minutes late	1
GLM	Arrived 44 minutes late	1
KKI	Arrived 44 minutes late	9
HMW	Arrived 47 minutes late	11
CHI	Arrived 22 minutes late	195

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 19, 2014, train 393 departed Chicago on time and was delayed 8 minutes prior to entering CN due to commuter train interference delay between Chicago and Clark Street. The train was then delayed 16 minutes due to freight train L578 at Stuenkel, then 2 minutes due to other issues between Kankakee and Gilman, then 3 minutes due to a crew and system delay at Gilman, then 2 minutes due to other issues between Gilman and Rantoul. Train 393 was then delayed 3 minutes due to slow order delays between Rantoul and Champaign, then 4 minutes due to freight train A497 at Leverett Junction, then 26 minutes due to freight train M335 at North Humboldt, then 2 minutes due to other issues between Champaign and Mattoon, then 4 minutes due to a handicapped passenger related delay at Mattoon. Train 393 arrived in Champaign 37 minutes late affecting 82 passengers boarding or detraining at this station stop, in Centralia 1 hour and 5 minutes late affecting 11 passengers boarding or detraining at this station stop, and in Carbondale 29 minutes late affecting 53 passengers detraining at this station stop. In total, train 393 incurred 49 minutes of CN Host Responsible Delay 46 of which was freight train interference, 8 minutes of host responsible delay on other hosts, and 13 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
49 (including 46" FTI)	8	13	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	131
HMW	Arrived 7 minutes late	15
KKI	Arrived 24 minutes late	15
GLM	Arrived 25 minutes late	1
RTL	Arrived 32 minutes late	5
CHM	Arrived 37 minutes late	82
MAT	Arrived 1 hour and 1 minutes late	18
EFG	Arrived 1 hour and 5 minutes late	14
CEN	Arrived 1 hour and 5 minutes late	11
DQN	Arrived 1 hour and 5 minutes late	3
CDL	Arrived 29 minutes late	53

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On May 19, 2014, train 365 departed Port Huron on time. The train was then delayed 13 minutes at Emmett due to a freight train, then by a total of 5 minutes due to other issues between Lapeer and Flint, then 31 minutes due to freight train 149 between East Lansing and Battle Creek. Train 365 arrived in Battle Creek 25 minutes late affecting 21 passengers boarding or detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 44 minutes of CN Host Responsible Delay all of which was freight train interference, and 5 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes. After leaving CN territory the train incurred an additional 42 minutes of host responsible delay on other hosts and 2 minutes of Amtrak responsible delay ultimately arriving in Chicago 40 minutes late affecting 186 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
44 (including 44" FTI)	42	7	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	20
LPE	Arrived 11 minutes late	6
FLN	Arrived 11 minutes late	39
DRD	Arrived 3 minute late	7
LNS	Arrived 1 minute late	105
BTL	Arrived 25 minutes late	21
KAL	Arrived 31 minutes late	27
DOA	Arrived 35 minutes late	1
NLS	Arrived 34 minutes late	11
NBU	Arrived 36 minutes late	5
CHI	Arrived 50 minutes late	186

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On May 22, 2014, train 390 departed Carbondale on time, then was delayed 3 minutes due to signal delays between Carbondale and Du Quoin, then 3 minutes due to slow order delays in the same segment, then 2 minutes due to other issues between Du Quoin and Centralia, then 3 minutes due to other issues between Centralia and Effingham, then 3 minutes due to passenger related delays at Effingham, then 4 minutes due to passenger related delays at Mattoon, then 4 minutes due to a freight train at South Tuscola. Train 390 was then delayed 3 minutes due to passenger related delays at Champaign, then 4 minutes due to freight train M336 between Champaign and Rantoul, then 1 minute due to other issues between Rantoul and Gilman, then 1 minute due to slow order delays between Gilman and Kankakee, then 4 minutes due to a maintenance of way delay at North Kankakee, then 20 minutes due to a freight train at South Peotone, then 5 minutes due to a freight train between Homewood and Clark Street. Train 390 arrived in Champaign 17 minutes late affecting 130 passengers boarding or detraining at this station stop, in Homewood 50 minutes late affecting 12 passengers boarding or detraining at this station stop, and in Chicago 24 minutes late affecting 203 passengers detraining at this station stop. In total, train 390 incurred 44 minutes of CN Host Responsible Delay 33 of which was freight train interference, and 16 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
44 (including 33" FTI)	0	16	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	46
DQN	Arrived 5 minutes late	7
CEN	Arrived 8 minutes late	14
EFG	Arrived 11 minutes late	149
MAT	Arrived 14 minutes late	166
CHM	Arrived 17 minutes late	130
RTL	Arrived 24 minutes late	3
GLM	Arrived 25 minutes late	1
KKI	Arrived 27 minutes late	9
HMW	Arrived 50 minutes late	12
CHI	Arrived 24 minutes late	203

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On May 30, 2014, train 393 departed Chicago on time and was delayed 2 minutes due to passenger related delays at Homewood, then 3 minutes due to other issues between Homewood and Kankakee, then 1 minute due to slow order delays between Kankakee and Gilman, then 2 minutes due to other issues between Gilman and Rantoul, then 3 minutes due to freight train 336 at Leverett Junction, then 15 minutes due to freight train 396 at Champaign. Train 393 was then delayed 17 minutes due to a passenger train interference delay with Amtrak train 392 at North Tuscola, then 3 minutes due to other issues between Champaign and Mattoon, then 9 minutes due to freight train L591 at North Mattoon, then 1 minute due to passenger related delay at Effingham, then 6 minutes due to a freight train at North Effingham, then 1 minute due to passenger related delay at Centralia, then 1 minute due to passenger related delay at Du Quoin. Train 393 arrived in Champaign 26 minutes late affecting 124 passengers boarding or detraining at this station stop, in Centralia 48 minutes late affecting 21 passengers boarding or detraining at this station stop, and in Carbondale 21 minutes late affecting 63 passengers detraining at this station stop. In total, train 393 incurred 51 minutes of CN Host Responsible Delay 33 of which was freight train interference, and 13 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
51 (including 33" FTI)	0	13	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	176
HMW	Arrived 1 minute late	22
KKI	Arrived 4 minutes late	20
GLM	Arrived 7 minutes late	5
RTL	Arrived 9 minutes late	5
CHM	Arrived 26 minutes late	124
MAT	Arrived 31 minutes late	19
EFG	Arrived 41 minutes late	20
CEN	Arrived 48 minutes late	21
DQN	Arrived 50 minutes late	7
CDL	Arrived 21 minutes late	63

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On June 9, 2014, train 391 departed Chicago on time and was delayed 25 minutes due to freight train Q195 at Peotone, then 2 minutes due to routing delays at Gilman, then 2 minutes due to routing delays at Delrey, then 1 minute due to other issues between Rantoul and Champaign. Train 391 was then delayed 1 minute due to passenger related delay at Champaign, then 6 minutes due to signal delays between Champaign and Mattoon, then 7 minutes due to a freight train between Effingham and Centralia, then 1 minute due to passenger related delay at Centralia. Train 391 arrived in Champaign 30 minutes late affecting 81 passengers boarding or detraining at this station stop, and in Centralia 39 minutes late affecting 10 passengers boarding or detraining at this station stop. In total, train 391 incurred 42 minutes of CN Host Responsible Delay 32 of which was freight train interference, and 3 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
42 (including 32" FTI)	0	3	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	153
HMW	Arrived 4 minutes early	25
KKI	Arrived 24 minutes late	10
GLM	Arrived 27 minutes late	4
RTL	Arrived 29 minutes late	3
CHM	Arrived 30 minutes late	81
MAT	Arrived 29 minutes late	26
EFG	Arrived 31 minutes late	9
CEN	Arrived 39 minutes late	10
DQN	Arrived 40 minutes late	8
CDL	Arrived 5 minutes late	63

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On July 26, 2014, train 392 departed Carbondale on time and was delayed 2 minutes due to crew and system related delays between Carbondale and Du Quoin, then 5 minutes due to other issues between Du Quoin and Effingham, then 10 minutes due to following a freight train between Effingham and Mattoon, then an additional 13 minutes following the same freight train between Mattoon and Champaign. Train 392 was then delayed 3 minutes due to a freight train between Champaign and Rantoul, then 2 minutes due to crew and system related delays at Rantoul, then 2 minutes due to other issues between Rantoul and Gilman, then 3 minutes due to following a freight train between Gilman and Kankakee, then 4 minutes due to meeting Amtrak train 59 between Kankakee and Homewood, then 15 minutes due to freight train L574 within the same segment. Train 392 arrived in Champaign 25 minutes late affecting 57 passengers boarding or detraining at this station stop, in Homewood 54 minutes late affecting 15 passengers boarding or detraining at this station stop, and in Chicago 21 minutes late affecting 175 passengers detraining at this station stop. In total, train 392 incurred 48 minutes of CN Host Responsible Delay 44 of which was freight train interference, and 11 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
48 (including 44" FTI)	0	11	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	166
DQN	Arrived 2 minutes late	4
CEN	Arrived 4 minutes late	13
EFG	Arrived 7 minutes late	5
MAT	Arrived 17 minutes late	15
CHM	Arrived 25 minutes late	57
RTL	Arrived 28 minutes late	4
GLM	Arrived 32 minutes late	1
KKI	Arrived 35 minutes late	13
HMW	Arrived 54 minutes late	15
CHI	Arrived 21 minutes late	175

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On July 26, 2014 train 390 departed Carbondale on time and was delayed 2 minutes due to other issues between Du Quoin and Centralia, then 1 minute due to passenger related delay at Centralia, then 3 minutes due to other issues between Centralia and Effingham, then 18 minutes due to a three way meet with freight trains A432 and A431 at South Effingham, then 1 minute due to passenger related delay at Effingham and also 1 minute due to passenger related delay at Mattoon. Train 390 was then delayed 2 minutes due to other issues between Mattoon and Champaign, then 10 minutes due to following a freight train between Champaign and Rantoul, then 6 minutes due to following freight train M343 between Rantoul and Gilman, then 10 minutes due to meeting freight train Q194 in a siding at South Kankakee, then 2 minutes due to routing delays between Homewood and Clark Street, then 2 minutes due to other issues between 39th Street and Chicago. Train 390 arrived in Effingham 27 minutes late affecting 51 passengers boarding or detraining at this station stop, in Champaign 26 minutes late affecting 123 passengers boarding or detraining at this station stop, and in Chicago 24 minutes late affecting 267 passengers detraining at this station stop. In total, train 390 incurred 46 minutes of CN Host Responsible Delay 44 of which was freight train interference, and 12 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
46 (including 44" FTI)	0	12	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	93
DQN	Arrived 4 minutes late	18
CEN	Arrived 5 minutes late	26
EFG	Arrived 27 minutes late	51
MAT	Arrived 28 minutes late	29
CHM	Arrived 26 minutes late	123
RTL	Arrived 36 minutes late	7
GLM	Arrived 42 minutes late	1
KKI	Arrived 42 minutes late	13
HMW	Arrived 52 minutes late	14
CHI	Arrived 24 minutes late	267

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On August 18, 2014, train 58 departed New Orleans on time. The train was then delayed 10 minutes due to Amtrak train 59 between Southport Junction and Hammond, then 5 minutes due to slow order delays within the same segment, then 2 minutes due to handicapped passenger related delay at Hammond, then 2 minutes due to slow order delays between Hammond and McComb, then 2 minutes due to slow order delays between McComb and Brookhaven, then 1 minute due to passenger related delay at Brookhaven, then 17 minutes due to following a freight train between Jackson and Yazoo City. Train 58 was then delayed 1 minute due to passenger related delay at Yazoo City, then 1 minute due to slow order delay between Yazoo City and Greenwood, then 2 minutes due to passenger related delays at Greenwood, then 10 minutes due to freight train M334 between Greenwood and Memphis, then 4 minutes due to slow order delays within the same segment, then 12 minutes due to a freight train within the same segment, then 1 minute due to slow order delay within the same segment, then 6 minutes due to routing delays within the same segment, then 4 minutes due to other issues within the same segment. Train 58 was then delayed 24 minutes due to freight trains M744 and C794 between Memphis and Newbern-Dyersburg, then 4 minutes due to a freight train between Newbern-Dyersburg and Fulton, then by a total of 4 minutes due to slow order delays between Fulton and Carbondale, then 1 minute due to passenger related delay at Effingham, then 8 minutes due to following freight train Q195 between Neoga to Mattoon, then 6 minutes due to following the same freight (Q195) between Mattoon and Champaign, then 8 minutes due to routing delays between Homewood and Clark Street. Train 58 arrived in Jackson 19 minutes late affecting 56 passengers boarding or detraining at this station stop, in Memphis 36 minutes late affecting 102 passengers boarding or detraining at this station stop, in Champaign 29 minutes late affecting 37 passengers boarding or detraining at this station stop, and in Homewood 24 minutes late affecting 15 passengers boarding or detraining at this station stop. In total, train 58 incurred 124 minutes of CN Host Responsible Delay 81 of which was freight train interference, and 11 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
124 (including 81" FTI)	0	11	0

Station	Performance at Station	Total Riders Affected
NOL	Departed on time	123
HMD	Arrived 15 minutes late	19
MCB	Arrived 19 minutes late	6
BRH	Arrived 21 minutes late	5
HAZ	Arrived 21 minutes late	2
JAN	Arrived 19 minutes late	56
YAZ	Arrived 15 minutes late	10
GWD	Arrived 15 minutes late	19
MEM	Arrived 36 minutes late	102
NBN	Arrived 39 minutes late	3
FTN	Arrived 41 minutes late	8
CDL	Arrived 21 minutes late	19
CEN	Arrived 23 minutes late	4
EFG	Arrived 22 minutes late	6
MAT	Arrived 29 minutes late	8
CHM	Arrived 29 minutes late	37
KKI	Arrived 25 minutes late	5
HMW	Arrived 24 minutes late	15
CHI	Arrived 4 minutes late	189

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On November 10, 2014, train 59 departed Chicago on time. The train was then delayed 6 minutes due to passenger related delays at Homewood, then 5 minutes due to meeting Amtrak train 392 at Stuenkel, then 5 minutes due to a freight train between Kankakee and Champaign, then 20 minutes due to following a freight train between Mattoon and Effingham, then 4 minutes due to other issues between Effingham and Centralia, then 2 minutes due to passenger related delays at Centralia, then 18 minutes due to signal delays between Centralia and Carbondale, then by a total of 2 minutes due to slow order delays within the same segment. Train 59 was then delayed 3 minutes due to passenger related delays at Carbondale, then 7 minutes due to freight train M334 between Carbondale and Fulton, then 7 minutes due to Amtrak train 58 within the same segment, then 12 minutes due to other issues between Newbern-Dyersburg and Memphis, then 8 minutes due to a freight train between Memphis and Greenwood, then 11 minutes due to routing delays within the same segment, then 1 minute due to passenger related delay at Greenwood, then 3 minutes due to maintenance of way delays between Greenwood and Yazoo City, then 2 minutes due to slow orders within the same segment. Train 59 was then delayed 2 minutes due to maintenance of way delays at Yazoo City, then 10 minutes due to a freight train between Yazoo City and Jackson, then 23 minutes due to a freight train within the same segment, then 1 minute due to slow order delay within the same segment, then 1 minute due to signal delay between Hazlehurst and Brookhaven, then 2 minutes due to slow orders delays within the same segment, then then 5 minutes due to slow order delays between Brookhaven and McComb, then 2 minutes due to routing delays within the same segment, then 2 minutes due to passenger related delays at McComb, then 19 minutes due to following a freight train between McComb and Hammond, then 2 minutes due to slow order delays between Hammond and Southport Junction. Train 59 arrived in Carbondale 48 minutes late affecting 35 passengers boarding or detraining at this station stop, in Fulton 1 hour and 1 minute late affecting 7 passengers boarding or detraining at this station stop, in Jackson 38 minutes late affecting 49 passengers boarding or detraining at this station stop, and in Hammond 1 hour and 1 minute late affecting 18 passengers boarding or detraining at this station stop. In total, train 59 incurred 155 minutes of CN Host Responsible Delay 92 of which was freight train interference, and 30 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
155 (including 92" FTI)	0	30	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	147
HMW	Arrived 4 minutes early	28
KKI	Arrived 7 minutes late	3
CHM	Arrived 8 minutes late	47
MAT	Arrived 9 minutes late	6
EFG	Arrived 29 minutes late	3
CEN	Arrived 31 minutes late	7
CDL	Arrived 48 minutes late	35
FTN	Arrived 1 hour and 1 minute late	7
NBN	Arrived 59 minutes late	6
MEM	Arrived 15 minutes late	89
GWD	Arrived 25 minutes late	8
YAZ	Arrived 29 minutes late	10
JAN	Arrived 38 minutes late	49
HAZ	Arrived 36 minutes late	0
BRH	Arrived 38 minutes late	3
MCB	Arrived 43 minutes late	12
HMD	Arrived 1 hour and 1 minute late	18
NOL	Arrived 8 minutes late	108

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 13, 2015, train 59 departed Chicago on time. The train was then delayed 2 minutes due to crew and system delays between Champaign and Mattoon, then 2 minutes due to other issues between Effingham and Centralia, then 10 minutes due to freight train Q197 between Centralia and Carbondale, then 4 minutes due to handicapped passenger related delays at Carbondale, then 20 minutes due to a three way meet with Amtrak train 58 and freight train A431 between Carbondale and Fulton, then 3 minutes due to passenger related delays at Fulton. Train 59 was then delayed 5 minutes due to a freight train between Fulton and Newbern-Dyersburg, then 2 minutes due to slow order delays within the same segment, then 4 minutes due to handicapped passenger related delays at Newbern-Dyersburg, then 7 minutes due to slow order delays between Newbern-Dyersburg and Memphis, then 5 minutes due to a freight train within the same segment, and an additional 10 minutes due to following a freight within the same segment, then 8 minutes due to passenger related delays at Memphis. Train 59 was then delayed 8 minutes due to meeting a freight train between Memphis and Greenwood, then 37 minutes due to a freight train within the same segment, then 6 minutes due to slow order delays within the same segment, then 6 minutes due to routing delays within the same segment. Train 59 was then delayed 7 minutes due to slow order delays between Greenwood and Yazoo City, then 10 minutes due to slow order delays between Yazoo City and Jackson, then 5 minutes due to a freight train within the same segment, then 1 minute due to passenger related delay at Jackson, then 6 minutes due to slow order delays between Jackson and Hazlehurst, then 2 minutes due to routing delays between Brookhaven and McComb, then 1 minute due to passenger related delay at McComb, then 4 minutes due to slow order delays between McComb and Hammond, then 1 minute due to passenger related delay at Hammond, then 4 minutes due to slow order delays between Hammond and Southport Junction. Train 59 arrived in Greenwood 1 hour and 5 minutes late affecting 27 passengers boarding or detraining at this station stop, in Jackson 56 minutes late affecting 91 passengers boarding or detraining at this station stop, in Brookhaven 1 hour late affecting 16 passengers boarding or detraining at this station stop, and in Hammond 1 hour and 2 minutes late affecting 23 passengers boarding or detraining at this station stop. In total, train 59 incurred 154 minutes of CN Host Responsible Delay 100 of which was freight train interference, and 26 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
154 (including 100" FTI)	0	26	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	208
HMW	Arrived 3 minutes early	29
KKI	Arrived 1 minute late	13
CHM	Arrived 4 minutes early	86
MAT	Arrived 2 minutes late	7
EFG	Arrived 1 minute late	2
CEN	Arrived on time	2
CDL	Arrived 5 minutes late	62
FTN	Arrived 25 minutes late	11
NBN	Arrived 33 minutes late	6
MEM	Arrived 3 minutes late	163
GWD	Arrived 1 hour and 5 minutes late	27
YAZ	Arrived 1 hour and 9 minutes late	8
JAN	Arrived 56 minutes late	91
HAZ	Arrived 1 hour and 3 minutes late	2
BRH	Arrived 1 hour late	16
MCB	Arrived 1 hour late	7
HMD	Arrived 1 hour and 2 minutes late	23
NOL	Arrived 9 minutes late	203

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 20, 2015, train 59 departed Chicago on time. The train was then delayed 23 minutes due to freight train M396 between Kankakee and Champaign, then 4 minutes due to passenger related delays at Champaign, then 4 minutes due to passenger related delays at Effingham, then 2 minutes due to other issues between Effingham and Centralia, then 2 minutes due to passenger related delays at Carbondale, then 8 minutes due to Amtrak train 58 between Carbondale and Fulton, then 1 minute due to passenger related delay at Fulton, then 4 minutes due to slow order delays between Fulton and Newbern-Dyersburg, then 5 minutes due to freight train M335 within the same segment, then 2 minutes due to passenger related delays at Newbern-Dyersburg, then 4 minutes due to other issues between Newbern-Dyersburg and Memphis, then 10 minutes due to slow order delays within the same segment, then 14 minutes due to a freight train within the same segment, then 7 minutes due to passenger related delays at Memphis, then 7 minutes due to routing delays between Memphis and Greenwood, then 6 minutes due to slow order delays within the same segment, then 6 minutes due to a freight train within the same segment. Train 59 was then delayed 1 minute due to a crew and system delay at Greenwood, then 21 minutes due to following a freight train between Greenwood and Yazoo City, then 14 minutes due to a freight train within the same segment, then 4 minutes due to slow order delays within the same segment, then 7 minutes due to a freight train between Yazoo City and Jackson, then 2 minutes due to routing delays between Brookhaven and McComb, then 7 minutes due to slow order delays between McComb and Hammond, then 2 minutes due to meeting Amtrak train 58 between Hammond and Southport Junction, then 8 minutes due to slow order delays within the same segment. Train 59 arrived in Carbondale 23 minutes late affecting 46 passengers boarding or detraining at this station stop, in Jackson 52 minutes late affecting 28 passengers boarding or detraining at this station stop, and in Hammond 49 minutes late affecting 28 passengers boarding or detraining at this station stop. In total, train 59 incurred 148 minutes of CN Host Responsible Delay 90 of which was freight train interference, and 27 minutes of Amtrak responsible delay. This train was 'within tolerance' at both the Memphis and Southport Junction checkpoints under the Current Agreement for incentive purposes.

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
148 (including 90" FTI)	0	27	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	222
HMW	Arrived 4 minutes early	15
KKI	Arrived on time	6
CHM	Arrived 20 minutes late	96
MAT	Arrived 24 minutes late	13
EFG	Arrived 24 minutes late	26
CEN	Arrived 28 minutes late	7
CDL	Arrived 23 minutes late	46
FTN	Arrived 29 minutes late	2
NBN	Arrived 37 minutes late	4
MEM	Arrived 11 minutes late	167
GWD	Arrived 34 minutes late	8
YAZ	Arrived 1 hour and 12 minutes late	3
JAN	Arrived 52 minutes late	28
HAZ	Arrived 48 minutes late	1
BRH	Arrived 46 minutes late	7
MCB	Arrived 45 minutes late	5
HMD	Arrived 49 minutes late	28
NOL	Arrived 2 minutes late	200

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On June 3, 2015, train 365 departed Port Huron on time. The train was then delayed 30 minutes by a freight train at Imlay City, then 4 minutes due to a freight train between Lapeer and Flint, then 4 minutes due to other issues within the same segment, then 1 minute due to slow order delay between Durand and East Lansing, then 2 minutes due to passenger related delays at East Lansing, then 4 minutes due to maintenance of way delay between East Lansing and Battle Creek, then 10 minutes due to slow order delays within the same segment. Train 365 arrived in Battle Creek 28 minutes late affecting 30 passengers boarding and detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 49 minutes of CN Host Responsible Delay 34 of which was freight train interference, and 6 minutes of Amtrak responsible delay. This train was 'within tolerance' under the Current Agreement for incentive purposes. After leaving CN territory the train incurred an additional 67 minutes of host responsible delay on other hosts and 10 minutes of Amtrak responsible delay ultimately arriving in Chicago 1 hour and 29 minutes late affecting 172 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
49 (including 34" FTI)	67	16	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	16
LPE	Arrived 28 minutes late	14
FLN	Arrived 31 minutes late	41
DRD	Arrived 22 minutes late	8
LNS	Arrived 21 minutes late	48
BTL	Arrived 28 minutes late	30
KAL	Arrived 25 minutes late	41
DOA	Arrived 29 minutes late	2
NLS	Arrived 31 minutes late	8
NBU	Arrived 37 minutes late	8
CHI	Arrived 1 hour and 29 minutes late	172

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

ATTACHMENT 5

**TRAINS WITH DELAYS BEYOND THE POINT OF WHERE CN COULD
EARN AN INCENTIVE**

Trains With Delays Beyond The Point Where CN Could Earn An Incentive

Trains not 'within tolerance' for incentive purposes

- On July 14, 2013, train 392 departed Carbondale on time and was delayed 2 minutes due to being delayed in block between Carbondale and Du Quoin, then by a total of 3 minutes due to other issues between Du Quoin and Effingham, then 1 minute due to slow orders between Centralia and Effingham, then 4 minutes due to a freight train at Neoga, then 29 minutes due to signal delays at North Mattoon, then 20 minutes due to freight train L551 and Amtrak train 393 at Humboldt, then 1 minute due to slow orders between Mattoon to Champaign. Because the CN delays up to this point totaled 55 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 1 minute due to passenger related delays at Champaign, then 4 minutes due to freight train 399 between Champaign and Rantoul, then 6 minutes due to a freight train at Paxton, then 6 minutes due to Amtrak train 59 at Peotone. Train 392 arrived in Champaign 54 minutes late affecting 131 passengers boarding or detraining at this station stop and Chicago 41 minutes late affecting 150 passengers detraining at this station stop. In total, train 392 incurred 71 minutes of CN Host Responsible Delay 34 of which was freight train interference, and 6 minutes of Amtrak responsible delay. After the delays at Champaign this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
71 (including 34" FTI)	0	6	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	73
DQN	Arrived 2 minutes late	4
CEN	Arrived 2 minutes late	20
EFG	Arrived 6 minutes late	18
MAT	Arrived 9 minutes late	21
CHM	Arrived 54 minutes late	131
RTL	Arrived 59 minutes late	2
GLM	Arrived 1 hour and 6 minutes late	5
KKI	Arrived 1 hour and 6 minutes late	16
HMW	Arrived 1 hour and 10 minutes late	26
CHI	Arrived 41 minutes late	150

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 5, 2013, train 365 departed Port Huron on time and was delayed 32 minutes due to a freight train between Port Huron and Lapeer, then 1 minute at Lapeer due to a passenger related delay at Lapeer, then 9 minutes due to the same freight train between Lapeer and Flint, then 10 minutes due to passenger related delay at Flint, then 1 minute due to passenger related delay at Durand, then 5 minutes due to passenger related delay at East Lansing, then by a total of 2 minutes due to slow orders between East Lansing and Battle Creek, then 53 minutes due to multiple freight trains at Emmett Street, then 1 minute due to maintenance of way delay at Battle Creek. After the delays between Port Huron and Flint and the first several minutes of the 53 minute FTI delay at Emmett Street, even with recovery time it would have been impractical if not impossible for the train to arrive into Battle Creek 'within tolerance'. Train 365 arrived in Flint 32 minutes late affecting 78 passengers boarding or detraining at this station stop and in East Lansing 27 minutes late affecting 53 passengers boarding or detraining at this station stop. In total, between Port Huron and Battle Creek train 365 incurred 97 minutes of CN Host Responsible Delay, 94 of which was freight train interference, and 17 minutes of Amtrak responsible delay. After the delays between Port Huron and Flint and the first several minutes of the 53 minute FTI delay at Emmett Street, this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays. After leaving CN territory the train incurred an additional 58 minutes of host responsible delay on other hosts ultimately arriving in Chicago 2 hours and 1 minute late affecting 214 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
97 (including 94" FTI)	58	17	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	45
LPE	Arrived 29 minutes late	11
FLN	Arrived 32 minutes late	78
DRD	Arrived 32 minutes late	18
LNS	Arrived 27 minutes late	53
BTL	Arrived 1 hour and 16 minutes late	10
KAL	Arrived 1 hour and 28 minutes late	22
DOA	Arrived 1 hour and 28 minutes late	7
NLS	Arrived 1 hour and 28 minutes late	8
NBU	Arrived 1 hour and 27 minutes late	8
CHI	Arrived 2 hours and 1 minute late	214

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 11, 2013, train 390 departed Carbondale on time and was delayed 41 minutes due to following freight trains A930 and A432 from Centralia to Effingham, then 4 minutes due to freight train M336 between Champaign and Rantoul, then 13 minutes due to freight train A497 between Rantoul and Gilman. Because the CN delays up to this point totaled 58 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 390 was delayed 22 minutes between Homewood and Clark Street due to freight train L536, then 5 minutes due to commuter train interference delays after leaving CN territory. Train 390 arrived in Champaign 37 minutes late affecting 62 passengers boarding or detraining at this station stop and in Chicago 52 minutes late affecting 117 passengers detraining at this station stop. In total, train 390 incurred 80 minutes of CN Host Responsible Delay all of which was freight train interference, and 5 minutes of host responsible delay on other hosts. After the delays between Rantoul and Gilman this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
80 (including 80" FTI)	5	0	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	42
DQN	Arrived on time	7
CEN	Arrived 1 minute late	10
EFG	Arrived 39 minutes late	20
MAT	Arrived 39 minutes late	12
CHM	Arrived 37 minutes late	62
RTL	Arrived 39 minutes late	2
GLM	Arrived 52 minutes late	4
KKI	Arrived 52 minutes late	5
HMW	Arrived 52 minutes late	13
CHI	Arrived 52 minutes late	117

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 25, 2013, train 392 departed Carbondale on time and was delayed by a total of 7 minutes due to signal delays between Carbondale and Centralia, then 18 minutes due to a signal delay at Sandoval Junction, then 5 minutes due to slow orders between Centralia and Effingham, then 1 minute due to a passenger related delay at Mattoon, then 5 minutes due to Amtrak train 393 at North Humboldt, then 16 minutes due to freight train 497 at North Tuscola, then 3 minutes due to freight train 399 at Champaign. Because the CN delays up to this point totaled 54 minutes, even with recovery time it would have been very difficult for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 24 minutes due to a three way meet** with freight trains L553 and Q194 at South Paxton, then 1 minute due to slow orders between Rantoul and Gilman, then 20 minutes due to Amtrak train 59 at Gar Creek, then 3 minutes due to slow orders between Kankakee and Homewood, then 2 minutes due to a routing delay between Homewood and Clark Street, then 9 minutes due to commuter train interference delays between Clark Street and Roosevelt. Train 392 arrived in Champaign 46 minutes late affecting 50 passengers boarding or detraining at this station stop, in Homewood 1 hour and 39 minutes late affecting 24 passengers boarding or detraining at this station stop, and in Chicago 1 hour and 18 minutes late affecting 78 passengers detraining at this station stop. In total, train 392 incurred 104 minutes of CN Host Responsible Delay 43 of which was freight train interference, 9 minutes of host responsible delay on other hosts, and 1 minute of Amtrak responsible delay. After the delays at Champaign this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
104 (including 43" FTI)	9	1	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	50
DQN	Arrived 3 minutes late	5
CEN	Arrived 7 minutes late	12
EFG	Arrived 30 minutes late	8
MAT	Arrived 30 minutes late	14
CHM	Arrived 46 minutes late	50
RTL	Arrived 50 minutes late	7
GLM	Arrived 1 hour and 14 minutes late	2
KKI	Arrived 1 hour and 34 minutes late	6
HMW	Arrived 1 hour and 39 minutes late	24
CHI	Arrived 1 hour and 18 minutes late	78

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

** A three way meet is a situation in which an Amtrak train meets two other trains at the same siding, in a manner that forces the Amtrak train to pull into the clear, stop, let one train pass, then back up in order to get around the other train. The two other trains can be two freight trains, or a freight train and another Amtrak train. CN can avoid such situations by holding one of the involved freight trains at a prior siding.

- On October 4, 2013, train 391 departed Chicago on time and was delayed 11 minutes by a freight train at Stuenkel, then 14 minutes by freight train 343 at Peotone, then 28 minutes due to a three way meet with freight train 342 and Amtrak train 390 at Leverett Junction, then 11 minutes due to signal delays at Tolono. Because the CN delays up to this point totaled 64 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Carbondale 'within tolerance'. Subsequently, train 391 was delayed 25 minutes by freight train L590 at Mattoon, then 6 minutes by freight train 336 at Neoga, then by a total of 5 minutes due to slow orders between Effingham and Centralia, then 3 minutes due to a handicapped passenger related delay. Train 391 arrived in Champaign 54 minutes late affecting 110 passengers boarding or detraining at this station stop, in Centralia 1 hour and 36 minutes late affecting 18 passengers boarding or detraining at this station stop, and in Carbondale 1 hour and 3 minutes late affecting 66 passengers detraining at this station stop. In total, train 391 incurred 100 minutes of CN Host Responsible Delay 84 of which was freight train interference, and 3 minutes of Amtrak responsible delay. After the delays at Tolono this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
100 (including 84" FTI)	0	3	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	157
HMW	Arrived on time	28
KKI	Arrived 24 minutes late	16
GLM	Arrived 25 minutes late	0
RTL	Arrived 26 minutes late	4
CHM	Arrived 54 minutes late	110
MAT	Arrived 1 hour and 24 minutes late	16
EFG	Arrived 1 hour and 31 minutes late	20
CEN	Arrived 1 hour and 36 minutes late	18
DQN	Arrived 1 hour and 38 minutes late	3
CDL	Arrived 1 hour and 3 minutes late	66

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 5, 2013, train 392 departed Carbondale on time and was delayed 14 minutes at Bois due to a three way meet with two freight trains, then 1 minute due to passenger related delay at Centralia, then 62 minutes due to a signal delay between Centralia and Effingham. Because the CN delays up to this point totaled 76 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 4 minutes due to freight train L531 at Neoga, then 3 minutes due to a freight train between Mattoon and Champaign, then 2 minutes due to signal delays between Champaign and Rantoul, then 5 minutes due to a freight train at North Rantoul, then 24 minutes due to a three way meet with freight trains Q194 and 335 at Delrey, then 1 minute due to passenger related delay at Kankakee, then 14 minutes due to Amtrak train 59 at North Kankakee. Train 392 arrived in Champaign 1 hour and 18 minutes late affecting 65 passengers boarding or detraining at this station stop, in Homewood 2 hours and 5 minutes late affecting 14 passengers boarding or detraining at this station stop, and in Chicago 1 hour and 29 minutes late affecting 109 passengers detraining at this station stop. In total, train 392 incurred 128 minutes of CN Host Responsible Delay, 50 of which was freight train interference, and 2 minutes of Amtrak responsible delay. After the delays between Du Quoin and Effingham this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
128 (including 50" FTI)	0	2	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	63
DQN	Arrived 1 minute early	3
CEN	Arrived 14 minutes late	31
EFG	Arrived 1 hour and 17 minutes late	6
MAT	Arrived 1 hour and 20 minutes late	23
CHM	Arrived 1 hour and 18 minutes late	65
RTL	Arrived 1 hour and 21 minutes late	3
GLM	Arrived 1 hour and 50 minutes late	1
KKI	Arrived 1 hour and 50 minutes late	16
HMW	Arrived 2 hours and 5 minutes late	14
CHI	Arrived 1 hour and 29 minutes late	109

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 5, 2013, train 393 departed Chicago on time and was delayed 4 minutes due to a freight train between Clark Street and Homewood, then 32 minutes due to a freight train at Stuenkel, then 1 minute due to other issues between Kankakee and Gilman, then 1 minute due to crew and system delays at Gilman, then 2 minutes due to signal delays between Gilman and Rantoul, then 3 minutes due to a freight train at South Rantoul, then 3 minutes due to signal delays between Rantoul and Champaign, then 9 minutes due to Amtrak train 392 at North Humboldt, then 1 minute due to handicapped passenger related delay at Mattoon, then 3 minutes due to freight train L551 at North Neoga. Because the CN delays up to this point totaled 56 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Carbondale 'within tolerance'. Subsequently, train 393 was delayed 13 minutes due to freight train M336 at Kinmundy, then an additional 13 minutes due to the same freight train (M336) between Effingham and Centralia. Train 393 arrived in Champaign 45 minutes late affecting 105 passengers boarding or detraining at this station stop, in Centralia 1 hour and 17 minutes late affecting 22 passengers boarding or detraining at this station stop, and in Carbondale 56 minutes late affecting 54 passengers detraining at this station stop. In total, train 393 incurred 82 minutes of CN Host Responsible Delay 68 of which was freight train interference, and 3 minutes of Amtrak responsible delay. After the delays at North Neoga this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
82 (including 68" FTI)	0	3	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	148
HMW	Arrived 6 minutes late	12
KKI	Arrived 36 minutes late	20
GLM	Arrived 37 minutes late	4
RTL	Arrived 39 minutes late	2
CHM	Arrived 45 minutes late	105
MAT	Arrived 1 hour late	22
EFG	Arrived 1 hour and 4 minutes late	14
CEN	Arrived 1 hour and 17 minutes late	22
DQN	Arrived 1 hour and 32 minutes late	3
CDL	Arrived 56 minutes late	54

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 16, 2013, train 392 departed Carbondale on time and was delayed 1 minute due to a signal delay between Carbondale and Du Quoin, then 2 minutes due to slow order delays between Du Quoin and Centralia, then 1 minute due to other issues within the same segment, then 1 minute due to routing delays at Centralia, then 2 minutes due to slow orders between Centralia and Effingham, then 2 minutes due to other issues within the same segment, then 14 minutes by freight train X336 at Neoga, then 6 minutes due to freight train L551 at Tuscola, then 27 minutes due to a three way meet with freight train 371 and Amtrak train 393 at the Tolono, then 4 minutes due to a freight train at Champaign. Because the CN delays up to this point totaled 57 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 10 minutes due freight train M344 at North Rantoul, then 2 minutes due to freight trains Q194 and X342 at Delrey, then 1 minute due to the same CN trains (Q194 and X342) at Gilman, then 10 minutes due to Amtrak train 59 between Kankakee and Homewood, then 1 minute due to other issues between Clark Street and Roosevelt. Train 392 arrived in Champaign 51 minutes late affecting 82 passengers boarding or detraining at this station stop, in Homewood 1 hour and 18 minutes late affecting 22 passengers boarding or detraining at this station stop, and in Chicago 48 minutes late affecting 109 passengers detraining at this station stop. In total, train 392 incurred 80 minutes of CN Host Responsible Delay 64 of which was freight train interference, and 4 minutes of Amtrak responsible delay. After the delays at Champaign this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
80 (including 64" FTI)	0	4	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	43
DQN	Arrived 1 minute late	8
CEN	Arrived 4 minutes late	20
EFG	Arrived 8 minutes late	9
MAT	Arrived 22 minutes late	23
CHM	Arrived 51 minutes late	82
RTL	Arrived 55 minutes late	1
GLM	Arrived 1 hour and 7 minutes late	4
KKI	Arrived 1 hour and 8 minutes late	11
HMW	Arrived 1 hour and 18 minutes late	22
CHI	Arrived 48 minutes late	109

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On October 20, 2013, train 365 departed Port Huron on time and was delayed 45 minutes by freight train 383 between Port Huron and Lapeer, then 39 minutes due to signal delays within the same segment. After these delays totaling 84 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Battle Creek 'within tolerance'. Subsequently, train 365 was delayed 4 minutes due to other issues between Lapeer and Flint, then 6 minutes due to freight train 149 approaching East Shaftsburg, then 2 minutes due to a freight train approaching Walton, then 20 minutes due to freight train M396 at Lacey, then 15 minutes due to freight train 116 between East Lansing and Battle Creek, then 2 minutes due to signal delays between Battle Creek and Gord. Train 365 arrived in Flint 1 hour and 24 minutes late affecting 47 passengers boarding or detraining at this station stop and in East Lansing 1 hour and 20 minutes late affecting 103 passengers boarding or detraining at this station stop. In total, between Port Huron and Lapeer train 365 incurred 129 minutes of CN Host Responsible Delay 88 of which was freight train interference, and 4 minutes of Amtrak responsible delay. After the delays between Port Huron and Lapeer, this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays. After leaving CN territory the train incurred an additional 37 minutes of host responsible delay on other hosts and 10 minutes of Amtrak responsible delay ultimately arriving in Chicago 2 hours and 20 minutes late affecting 206 passengers detraining at this station stop.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
129 (including 88" FTI)	37	14	0

Station	Performance at Station	Total Riders Affected
PTH	Departed on time	21
LPE	Arrived 1 hour and 23 minutes late	15
FLN	Arrived 1 hour and 24 minutes late	47
DRD	Arrived 1 hour and 17 minutes late	7
LNS	Arrived 1 hour and 20 minutes late	103
BTL	Arrived 1 hour and 46 minutes late	11
KAL	Arrived 1 hour and 55 minutes late	56
DOA	Arrived 1 hour and 59 minutes late	4
NLS	Arrived 2 hours late	15
NBU	Arrived 2 hours and 1 minute late	15
CHI	Arrived 2 hours and 20 minutes late	206

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On March 24, 2014, train 393 departed Chicago on time and was delayed 8 minutes prior to entering CN due to routing and commuter train interference delays between Chicago and Clark Street. The train was then delayed 4 minutes due to crew and system delays between Homewood and Kankakee, then 1 minute due to slow order delays within the same segment, then 1 minute due to crew and system delays at Kankakee, then 1 minute due to other issues between Kankakee and Gilman, then 1 minute due to other issues between Gilman and Rantoul, then 5 minutes due to freight train 336 between Rantoul and Champaign, then 2 minutes due to passenger related delays at Champaign, then 47 minutes due to multiple freight trains between Champaign and Mattoon. Because the CN delays up to this point totaled 53 minutes, even with recovery time it would have been very difficult for the train to arrive into Carbondale 'within tolerance'. Subsequently, train 393 was delayed 1 minute due to passenger related delays at Mattoon, then 23 minutes due to multiple freight trains between Effingham and Centralia, then 2 minutes due to a freight train between Centralia and Du Quoin. Train 393 arrived in Champaign 21 minutes late affecting 118 passengers boarding or detraining at this station stop, in Effingham 1 hour and 6 minutes late affecting 30 passengers boarding or detraining at this station stop, and in Carbondale 56 minutes late affecting 41 passengers detraining at this station stop. In total, train 393 incurred 78 minutes of CN Host Responsible Delay 77 of which was freight train interference, 8 minutes of host responsible delay on other hosts, and 10 minutes of Amtrak responsible delay. After the delays between Champaign and Mattoon this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
78 (including 77" FTI)	8	10	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	204
HMW	Arrived 8 minutes late	17
KKI	Arrived 13 minutes late	16
GLM	Arrived 15 minutes late	0
RTL	Arrived 16 minutes late	7
CHM	Arrived 21 minutes late	118
MAT	Arrived 1 hour and 5 minutes late	28
EFG	Arrived 1 hour and 6 minutes late	30
CEN	Arrived 1 hour and 29 minutes late	6
DQN	Arrived 1 hour and 31 minutes late	1
CDL	Arrived 56 minutes late	41

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On April 9, 2014, train 391 departed Chicago on time and was delayed 4 minutes prior to entering CN due to commuter train interference delay between Chicago and Clark Street. The train was then delayed 1 minute due to slow order delays between Homewood and Kankakee, then 3 minutes due to other issues within the same segment, then 2 minutes due to other issues between Kankakee and Gilman, then 2 minutes due to routing delays between Gilman and Rantoul, then 67 minutes due to freight train M343 between Rantoul and Champaign. Because the CN delays up to this point totaled 70 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Carbondale 'within tolerance'. Subsequently, train 391 was delayed 2 minutes due to passenger related delays at Champaign, then 1 minute due to other issues between Champaign and Mattoon, then 19 minutes due to a freight train at Effingham, then 12 minutes due to freight train L591 at Edgewood Junction. Train 391 arrived in Champaign 1 hour and 17 minutes late affecting 51 passengers boarding or detraining at this station stop, and in Carbondale 1 hour and 14 minutes late affecting 41 passengers detraining at this station stop. In total, train 391 incurred 101 minutes of CN Host Responsible Delay 98 of which was freight train interference, 4 minutes of host responsible delay on other hosts, and 8 minutes of Amtrak responsible delay. After the delays between Rantoul and Champaign this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
101 (including 98" FTI)	4	8	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	60
HMW	Arrived 3 minutes late	16
KKI	Arrived 6 minutes late	9
GLM	Arrived 8 minutes late	0
RTL	Arrived 10 minutes late	4
CHM	Arrived 1 hour and 17 minutes late	51
MAT	Arrived 1 hour and 15 minutes late	4
EFG	Arrived 1 hour and 15 minutes late	2
CEN	Arrived 1 hour and 46 minutes late	1
DQN	Arrived 1 hour and 46 minutes late	2
CDL	Arrived 1 hour and 14 minutes late	41

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On April 25, 2014, train 390 departed Carbondale incurring an 8 minute delay due to crew and system related delays, then was delayed 4 minutes due to signal delays between Carbondale and Du Quoin, then 2 minutes due to slow order delays between Du Quoin and Centralia, then 1 minute due to passenger related delays at Centralia, then 45 minutes at Laclede due to a three way meet with freight trains A431 and M336, then 1 minute due to slow order delays between Centralia and Effingham. Because the CN delays up to this point totaled 52 minutes, even with recovery time it would have been very difficult for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 390 was delayed 2 minutes due to passenger related delays at Effingham, then 2 minutes due to passenger related delays at Mattoon, then 2 minutes due to crew and system related delays at Mattoon, then 25 minutes due to a three way meet at South Tolono with freight train L598 and Amtrak train 391, then 3 minutes due to passenger related delays at Champaign, then 3 minutes due to other issues between Champaign and Rantoul, then 2 minutes due to other issues between Rantoul and Gilman, then 1 minute due to handicapped passenger related delay at Kankakee, then 18 minutes at 39th Street due to freight train U706, then 3 minutes at 16th Street due to a commuter train interference delay. Train 390 arrived in Champaign 1 hour and 5 minutes late affecting 145 passengers boarding or detraining at this station stop, in Homewood 1 hour and 14 minutes late affecting 23 passengers boarding or detraining at this station stop, and in Chicago 1 hour and 4 minutes late affecting 280 passengers detraining at this station stop. In total, train 390 incurred 95 minutes of CN Host Responsible Delay, 88 of which was freight train interference, 3 minutes of host responsible delay on other hosts, and 24 minutes of Amtrak responsible delay. After the delays between Centralia and Effingham this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
95 (including 88" FTI)	3	24	0

Station	Performance at Station	Total Riders Affected
CDL	Departed 8 minutes late	83
DQN	Arrived 10 minutes late	8
CEN	Arrived 12 minutes late	22
EFG	Arrived 39 minutes late	58
MAT	Arrived 42 minutes late	31
CHM	Arrived 1 hour and 5 minutes late	145
RTL	Arrived 1 hour and 12 minutes late	7
GLM	Arrived 1 hour and 14 minutes late	0
KKI	Arrived 1 hour and 14 minutes late	11
HMW	Arrived 1 hour and 14 minutes late	23
CHI	Arrived 1 hour and 4 minutes late	280

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On April 30, 2014, train 391 departed Chicago on time and was delayed 7 minutes prior to entering CN due to commuter train interference delay between Chicago and Clark Street. The train was then delayed 7 minutes due to passenger train interference between Clark Street and Homewood, then 2 minutes due to other issues between Homewood and Kankakee, then 4 minutes due to freight train L553 between Kankakee and Gilman, then 15 minutes due to routing delays at South Paxton, then 32 minutes due to a four way meet with multiple freight trains and Amtrak train 390 at North Rantoul. Because the CN delays up to this point totaled 58 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Carbondale 'within tolerance'. Subsequently, train 391 was delayed 3 minutes due to freight train M336 between Rantoul and Champaign, then 1 minute due to handicapped passenger related delays at Champaign, then 1 minute due to crew and system delays between Champaign and Mattoon, as well as 1 minute due to other issues within the same segment, then 22 minutes due to freight train A431 at South Neoga, then 16 minutes due to a freight train between Centralia and Du Quoin. Train 391 arrived in Champaign 1 hour and 11 minutes late affecting 52 passengers boarding or detraining at this station stop, and in Carbondale 1 hour and 10 minutes late affecting 26 passengers detraining at this station stop. In total, train 391 incurred 99 minutes of CN Host Responsible Delay 77 of which was freight train interference, 7 minutes of host responsible delay on other hosts, and 5 minutes of Amtrak responsible delay. After the delays at North Rantoul this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
99 (including 77" FTI)	7	5	0

Station	Performance at Station	Total Riders Affected
CHI	Departed on time	71
HMW	Arrived 14 minutes late	13
KKI	Arrived 15 minutes late	6
GLM	Arrived 50 minutes late	2
RTL	Arrived 1 hour and 7 minutes late	1
CHM	Arrived 1 hour and 11 minutes late	52
MAT	Arrived 1 hour and 8 minutes late	10
EFG	Arrived 1 hour and 30 minutes late	4
CEN	Arrived 1 hour and 28 minutes late	8
DQN	Arrived 1 hour and 44 minutes late	1
CDL	Arrived 1 hour and 10 minutes late	26

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On May 15, 2014, train 392 departed Carbondale on time and was delayed 2 minutes due to routing delays between Carbondale and Du Quoin, then 3 minutes due to slow order delays within the same segment, then 1 minute due to other issues between Du Quoin and Centralia, then 2 minutes due to passenger related delays at Effingham, then 37 minutes at Hillcrest due to freight train M335, then 3 minutes due to passenger related delays at Champaign, then 5 minutes due to freight train M342, then 19 minutes due to a three way meet with freight train Q194 and another freight train at Paxton. Because the CN delays up to this point totaled 66 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 1 minute due to passenger related delays between Gilman and Kankakee, then 14 minutes due to a three way meet with Amtrak train 59 and a freight train between Kankakee and Homewood. Train 392 arrived in Champaign 40 minutes late affecting 86 passengers boarding or detraining at this station stop, in Homewood 1 hour and 22 minutes late affecting 15 passengers boarding or detraining at this station stop, and in Chicago 51 minutes late affecting 147 passengers detraining at this station stop. In total, train 392 incurred 80 minutes of CN Host Responsible Delay, 75 of which was freight train interference, and 7 minutes of Amtrak responsible delay. After the first several minutes of the delay at Paxton, this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
80 (including 75" FTI)	0	7	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	63
DQN	Arrived 5 minutes late	4
CEN	Arrived 5 minutes late	13
EFG	Arrived 8 minutes late	10
MAT	Arrived 8 minutes late	23
CHM	Arrived 40 minutes late	86
RTL	Arrived 48 minutes late	3
GLM	Arrived 1 hour and 7 minutes late	2
KKI	Arrived 1 hour and 7 minutes late	8
HMW	Arrived 1 hour and 22 minutes late	15
CHI	Arrived 51 minutes late	147

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

- On September 8, 2014, train 392 departed Carbondale on time and was delayed 1 minute due to a slow order delay between Carbondale and DuQuoin, then 3 minutes due to signal delays within the same segment, then 12 minutes due to maintenance of way delays within the same segment, then by a total of 5 minutes due to signal delays between DuQuoin and Centralia, then 16 minutes due to meeting freight train C744 at Bois, then 9 minutes due to routing delays at Effingham, then 2 minutes due to slow order delays between Effingham and Mattoon, then 31 minutes due to a three way meet with a freight train and Amtrak train 393 at Humboldt. Because the CN delays up to this point totaled 79 minutes, even with recovery time it would have been impractical if not impossible for the train to arrive into Clark Street 'within tolerance'. Subsequently, train 392 was delayed 4 minutes due to a freight train between Champaign and Rantoul, then 2 minutes due to a routing delay at Rantoul, then 1 minute due to other issues between Rantoul and Gilman, then 6 minutes due to meeting Amtrak train 59 at Otto, then 17 minutes due to freight train Q194, then 2 minutes due to slow order delays between Kankakee and Homewood, then 2 minutes due to other issues between Homewood and Clark Street, then 3 minutes due to routing delay between Clark Street and Chicago. Train 392 arrived in Champaign 1 hour and 13 minutes late affecting 40 passengers boarding or detraining at this station stop, in Homewood 1 hour and 45 minutes late affecting 12 passengers boarding or detraining at this station stop, and in Chicago 1 hour and 18 minutes late affecting 77 passengers detraining at this station stop. In total, train 392 incurred 110 minutes of CN Host Responsible Delay, 68 of which was freight train interference, and 3 minutes of Amtrak responsible delay. After the delays between Mattoon and Champaign this train was already so late that even under the Current Agreement, CN could not deliver it 'within tolerance' and thus had no incentive to avoid further delays.

Total Minutes of CN Host Responsible Delay	Total Minutes of Host Responsible Delay on other hosts	Total Minutes of Amtrak Responsible Delay	Total Minutes of Third Party Delay*
110 (including 68" FTI)	3	3	0

Station	Performance at Station	Total Riders Affected
CDL	Departed on time	38
DQN	Arrived 16 minutes late	6
CEN	Arrived 37 minutes late	13
EFG	Arrived 36 minutes late	6
MAT	Arrived 47 minutes late	18
CHM	Arrived 1 hour and 13 minutes late	40
RTL	Arrived 1 hour and 17 minutes late	2
GLM	Arrived 1 hour and 20 minutes late	4
KKI	Arrived 1 hour and 43 minutes late	2
HMW	Arrived 1 hour and 45 minutes late	12
CHI	Arrived 1 hour and 18 minutes late	77

*Total Minutes of Third Party Delay excludes NOD (unused recovery time)

ATTACHMENT 6

DELAY CODES

Delay Codes

<u>Code</u>	<u>Code Description</u>	<u>Explanation</u>
ADA	Passenger Related	Passenger-Related delays specifically related to disabled passengers (wheelchair lifts, exercising guide dogs, etc.)
CAR	Car Failure	Car Failure (includes HEP failure, legitimate HBD or DED actuations, set out/pick up defective/repaired cars)
CCR	Cab Car Failure	Cab Car Failure (all en route delays caused by mechanical failure of working cab cars.) A non-working cab car, i.e., one being used simply as another passenger car in the trailing consist of a train, will not be considered a Cab Car for purposes of delay coding. "Cab Car" includes NPCU's (de-powered F-40's) and all variations of passenger-carrying Cab Cars.
CON	Hold for Connection	Hold for Connection (holds for train or bus connections, including en route holds)
CTI	Commuter Train Interference	Commuter Train Interference (meets, following, overtakes)
CUI	Customs	Customs and Immigration delays
DBS	Debris	Debris Strike (including emergency braking, damage, set-outs from same; also debris blocking track ahead, or removal of debris from train; also includes objects thrown at train).
DCS	Signal Delays	Signal Delays (wayside detector failures including false actuations, defective road crossing protection, restrictive wayside or cab signals from unknown cause or from signal, power-switch or CTC-system failure; efficiency tests of the crew NOT involving Amtrak officers; drawbridge stuck open).
DMW	Maintenance of Way	M of W Work (holding for defect repair or M of W forces to clear; inability to contact M of W Foreman on radio; held for or routed around M of W work or equipment).
DSR	Slow Order Delays	Temporary Speed Restrictions (slow orders, slows through M of W site) Exception: heat/cold orders; see "WTR."

DTR	Detour	Detour Delays (all delay or time lost while operating on a detour, regardless of the reason for the detour).
ENG	Locomotive Failure	Engine Failure (HEP Failure, legitimate HBD or DED actuations, or any on-board HBD alarm, cab signal failure on engine, set out defective engines, operating with freight engine due to mechanical failure, undesired emergency applications, air problems, radio failure on engine)
FTI	Freight Train Interference	Freight Train Interference (meets, following, overtakes, restrictive signals known to be caused by freight trains, holds due to freight train derailments, non-scheduled stop to pick-up/drop-off freight train crew)
HLD	Passenger Related	Passenger Related (multiple spots, checked bags, large groups, smoke breaks, checked firearms, other passenger-related delays; except for disabled passengers, see delay code "ADA"; or sick/injured, see "INJ")
INJ	Injury Delay	Injury Delays (injured or sick passenger or employee)
ITI	Initial Terminal Delay	Initial Terminal Delay due to late-arriving inbound train causing late release of equipment or late crew rest, where mechanical-failure delay is NOT involved. (NOTE: Code "ITI" is to be used ONLY for a delay at the train's Initial Terminal station.)
MBO	Drawbridge Openings	Drawbridge openings for marine traffic, where NO failure of the drawbridge is involved.
NOD	Unused Recovery Time	Wait for scheduled departure time at stations, kill time to prevent early arrival at stations.
OTH	Miscellaneous Delays	Miscellaneous Amtrak-responsible delays (unable to make normal speed, heavy train, isolation of engine[s] for fuel conservation, etc.; also, person pulling emergency cord)
POL	Police-Related	Police Related (DEA; police/fire department holds on right-of-way, bomb threat delays; can include on-train police activity)
PTI	Passenger Train Interference	Passenger Train Interference (meets, following, etc.-does not include commuter trains)

RTE	Routing	Routing (crossover moves, lining manual or spring switch, run via siding, late track bulletins, inability to contact DS, dispatcher-holds). Also includes delays resulting directly from being routed to abnormal track at stations.
SVS	Servicing	Servicing (fuel, water, toilet/trash dumping, inspections, normal switching/set-out/pick-up locomotive, cars (including private/office cars) or section of train, normal engine changes, pick-up previously set-out equipment, loading/ unloading non-carload express)
SYS	Crew & System	System (late crew, unscheduled re-crew, single engineer copying authorities or restroom break, efficiency tests involving Amtrak officers, hold due to passenger train derailment, alleged crew rules violation; delayed-in-block after station stop, assisting another Amtrak train which is disabled, blocked by another Amtrak train disabled due to mechanical failure)
TRS	Trespassers	Trespasser Incidents (includes crossing accidents, trespasser or animal strikes, vehicle on track ahead; "near-miss" delays; bridge strikes by vehicle or boat)
WTR	Weather-Related	Weather (includes heat/cold orders; storms, floods, fallen trees, washouts, landslides; earthquake-related delays; slippery rail due to leaves; burning leaves caught under truck of car; snow-removal equipment working ahead; ice or snow under equipment, including wayside defect-detector actuations caused by ice)

ATTACHMENT 7

CDR CHANGE REQUEST ANALYSIS

REDACTED

SACKS VERIFIED STATEMENT

PUBLIC VERSION REDACTED

BEFORE THE SURFACE TRANSPORTATION BOARD

APPLICATION OF THE NATIONAL
RAILROAD PASSENGER
CORPORATION UNDER 49 U.S.C. §
24308(A) – CANADIAN NATIONAL
RAILWAY COMPANY

FINANCE DOCKET NO. 35743

VERIFIED STATEMENT
OF

BENJAMIN SACKS

ON BEHALF OF

NATIONAL RAILROAD PASSENGER CORPORATION

September 4, 2015

TABLE OF CONTENTS

I. Identity of Expert 1

II. Qualifications of Expert Witness 1

III. Background for Analysis 2

IV. Scope of Opinions 3

V. Substance of Opinions 4

 V.A. The Dataset Supporting My Analysis 4

 V.A.1. Host Responsible Delays 4

 V.A.2. On-Time Performance 5

 V.B. Finding the 80% Point 6

 V.C. Penalty Schedule 12

 V.C.1. [REDACTED] [REDACTED]

 V.C.2. Per Train Mile Costs for Relatively Better vs. Worse Service 16

 V.C.3. [REDACTED] [REDACTED]

 V.C.4. Maximum Penalty Minutes 18

 V.C.5. Penalty Rates 20

VI. Integrating Quality Payments 22

Appendix A: Resume of Benjamin Sacks A-1

Appendix B: Relation of All Stations OTP to HRD for Amtrak Routes B-1

Appendix C: Detailed Regression Results C-1

Appendix D: Sensitivity Tests for the Time Period for the 2013 Level of Service D-1

Appendix E: Derivation of Maximum Penalty Minutes E-1

Appendix F: Data Received F-1

Appendix G: CN Proposal of July 20, 2013 G-1

I. Identity of Expert

Benjamin Sacks
Principal
The Brattle Group
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Washington, DC 20036

II. Qualifications of Expert Witness

1. I have over 15 years of experience providing expert advice and testimony on the application of economics, corporate finance and statistics to valuations, the estimation of damages and determination of liability. Statistical regression analysis is among my areas of expertise.
2. I received my B.A. in mathematical economics from Columbia University, and my M.A. in economics from the University of Chicago.
3. Since 1997, I have been a testifying expert or consulting expert in numerous litigations and arbitrations. My recent representative experience includes the following:
 - a. In *ACS Shareholder Litigation*, Delaware Court of Chancery, Consolidated C.A. No. 4940-VCP I served as a testifying expert and critiqued the Defendant's expert's regression analysis.
 - b. In *Eastbanc, Inc. v. Georgetown Park Assoc. II L.P., et al.* (Sup. Ct. D.C. 2006), I served as a testifying expert and conducted regression analyses to understand the expected sales per square foot in a proposed shopping mall development.
 - c. I served as a consulting expert on behalf of the Russian Federation in three parallel arbitrations under UNCITRAL Rules in The Hague brought by former majority shareholders of Yukos Oil Company for alleged violations of the Energy Charter Treaty. I ran regression analyses on the relationship between valuation multiples and criteria posed by the Claimant's expert as predictors of those multiples.
 - d. In an international arbitration involving the value of mining concessions in Latin America, heard at the Permanent Court of Arbitration, I served as a consulting expert and performed regressions examining changes in the relationship between news events and the price of publicly traded shares.
 - e. In *PBM Products LLC v. Mead Johnson Nutrition Company and Mead Johnson & Company*, Eastern District of Virginia, C.A. No. 3:09CV269, I served as a consulting

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expert and performed regression analysis on the relationship between sales, advertising and other factors.

- f. In *Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co. Inc.* CA 03-5045 AI (Fla. Cir. Ct.) I served as a consulting expert and performed a regression analysis of terminated mergers to determine whether the stock price of the target company was higher or lower than expected.
 - g. In an international arbitration involving the value of a Russian oil company, heard at the Stockholm Chamber of Commerce, I served as a consulting expert and performed regressions examining the relationship between news events and changes in the price of publicly traded shares.
 - h. In *Lehman Brothers Holdings Inc. and Official Committee of Unsecured Creditors of Lehman Brothers Holdings, Inc. Et al. v. United States of America* (U.S. District Court for the Southern District of New York) concerning tax-shelter transactions, I served as a consulting expert and provided statistical analyses showing that the way in which certain financial transactions were being structured were not cost-minimizing.
4. My resume, which contains a more complete explanation of my background, is attached as Appendix A.

III. Background for Analysis

5. To begin, I provide some background pertaining to my analysis:
- a. My analysis looks at data from the period July 1, 2011 through June 30, 2015 (the “Analysis Timeframe”).
 - b. My analysis relates only to Amtrak trains that operate for a portion of their route on Canadian National Railway Company (“CN”) rail lines. Thus, to differentiate between CN rail lines and rail lines operated by other companies on which a given Amtrak train may run, I will refer to “train miles” and “CN Train Miles.”
 - c. There are 24 Amtrak trains that operate on six routes over CN rail lines: the City of New Orleans, Illini/Saluki, Wolverine, Blue Water, Lincoln, and Texas Eagle routes (the “Amtrak Trains” running on “Amtrak Routes”). I have excluded the Sunset Limited which operates over CN in the New Orleans area for only approximately two miles.

- d. Conductors on Amtrak Trains record any delays that occur on each trip of their train, as well as the cause of those delays, and include this information in a report called an electronic Delay Report (“eDR”).¹
- e. Amtrak uses codes to categorize delays that occur while operating on host railroads. Responsibility for these delays is attributed to either the host railroad (“Host Responsible Delays” or “HRD”), Amtrak (“Amtrak Responsible Delays”) or a third party (“Third-Party Responsible Delays”). For purposes of my analysis and testimony Amtrak defines the following types of delays as Host Responsible Delays:

- Freight Train Interference (“FTI”)
- Passenger Train Interference (“PTI”)
- Commuter Train Interference (“CTI”)
- Slow Orders (“DSR”)
- Signals (“DCS”)
- Routing (“RTE”)
- Maintenance of Way (“DMW”)

I adopt this definition.

- f. In addition to measuring Host Responsible Delays, Amtrak also measures the on-time performance of each Amtrak Train at each station on each Amtrak Route (“All Stations OTP”).²
- g. [REDACTED]

IV. Scope of Opinions

- 6. I was asked to determine, using data provided to me by Amtrak (described below), the number of HRD minutes that correlate with 80% All Stations OTP (the “80% Point(s)”) for each Amtrak Route.
- 7. I was asked to develop an implementable Penalty System based on these 80% Points with the following goal: [REDACTED]

¹ I understand that Amtrak has transitioned from paper delay reporting to electronic delay reporting. For purposes of my analysis, these systems are equivalent because they record the same information.

² Amtrak records minutes late or early, which I use to determine All Stations OTP. See Section V.A.2.

8. Amtrak also asked me to demonstrate how their proposed Quality Payment system would integrate with the proposed Penalty System.

V. Substance of Opinions

9. I use standard statistical methods to calculate the 80% Points. I first discuss the data that I use for this analysis. I then explain my analysis, its results and how these results are used to determine the 80% Points. I then explain the Penalty System that is based on the 80% Points.
10. Throughout this report, when I discuss HRD minutes I will generally discuss them as HRD minutes *per 10,000 Amtrak train miles* (“HRD/10K”) or as CN HRD minutes *per 10,000 CN Train Miles* (“CN HRD/10K”). I do this for three main reasons:
 - a. First, as a convenience to the reader. Much of the analysis in this report deals with the impact of HRD on All Stations OTP. Routes differ significantly in length and the impact of a minute of HRD on All Stations OTP will generally be smaller for longer routes. But, the impact of a minute of HRD *per unit length* is generally of the same order of magnitude across Routes. It is easier for the reader to compare the impact of HRD on All Stations OTP across routes if HRD is normalized to account for the length of the Route.
 - b. Second, it is my understanding that Amtrak reports delays to the Federal Railroad Administration and others in increments of minutes of delay per 10,000 train miles, so this was a natural way to normalize across routes.
 - c. Third, this normalization has no effect on the determination of the 80% Point, or on any of the statistical properties of the analyses leading to it, or on the Penalties, if any, that CN might incur if this system is implemented.
11. Results calculated using HRD/10K can be converted to HRD by multiplying by the total Amtrak train miles for the Amtrak Route, and then dividing by 10,000. Similarly, results calculated using CN HRD/10K can be converted to CN HRD by multiplying by the CN Train Miles for the Amtrak Route, and then dividing by 10,000.

V.A. THE DATASET SUPPORTING MY ANALYSIS

V.A.1. Host Responsible Delays

12. To calculate HRD/10K for each of the six Amtrak Routes in each month during the Analysis Timeframe, I first summed the total number of HRD minutes on every train on

each Amtrak Route in each month, separately for each Amtrak Route and month.³ I then calculated HRD per train mile, for each Amtrak Route and each month, by dividing each HRD figure by the total train miles on that Amtrak Route in that month.⁴ The formula for this is:

$$\text{HRD / train mile}_{r,m} = \frac{\text{All HRD minutes on route "r" in month "m"}}{\text{All Amtrak train miles on route "r" in month "m"}} \quad (1)$$

13. As an illustrative example, in June 2015, the total minutes of HRD on the City of New Orleans route (“CONO”), summing across all City of New Orleans route trains that month, was 5,183. Total Amtrak train miles on the City of New Orleans route in June 2015 were 56,076. Applying the above calculation, the resulting HRD minutes per train mile on the City of New Orleans route for June 2015 was 0.0924.

$$\text{HRD / train mile}_{\text{CONO},6/15} = \frac{\text{All HRD minutes on CONO in 6/15}}{\text{All Amtrak train miles on CONO in 6/15}} = \frac{5,183}{56,076} = 0.0924 \quad (2)$$

14. I calculated HRD/10K by multiplying the numbers resulting from the division discussed above by 10,000.

$$\text{HRD/10K}_{r,m} = \frac{\text{All HRD minutes on route "r" in month "m"}}{\text{All Amtrak train miles on route "r" in month "m"}} \times 10,000 \quad (3)$$

15. Looking again at the City of New Orleans route in June 2015, the total minutes of HRD was 5,183, and total Amtrak train miles was 56,076. Therefore, the HRD/10K for the City of New Orleans route in June 2015 was:

$$\text{HRD/10K}_{\text{CONO},6/15} = \frac{5,183}{56,076} \times 10,000 = 924 \quad (4)$$

V.A.2. On-Time Performance

16. For purposes of this analysis, an Amtrak Train was considered on-time at each station if (i) for the origin station, it departed from the station within 15 minutes of its scheduled departure time, and (ii) for all other stations, it arrived at the station within 15 minutes of its scheduled arrival time (“On-Time” means within 15 minutes of the scheduled time). Any trains that departed more than 15 minutes after their scheduled departure time from their origin station or arrived more than 15 minutes after their scheduled arrival time for all other stations were not considered On-Time at that station for the purpose of this

³ This data was supplied in the eDR Dataset, see Appendix F. I only consider non-temporary trains.

⁴ This data was supplied in the Train Miles Dataset, see Appendix F.

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analysis. I calculated All Stations OTP as the fraction of all station stops on the entire Amtrak Route at which Amtrak Trains were On-Time, and I calculated this measure for each Amtrak Route in each month during the Analysis Timeframe.

17. As an illustrative example of the All Stations OTP calculation, in June 2015 Amtrak Trains on the City of New Orleans route were On-Time at 670 out of 1,140 total station stops. Therefore, All Stations OTP for the City of New Orleans route in June 2015 was 58.8%, as calculated below.

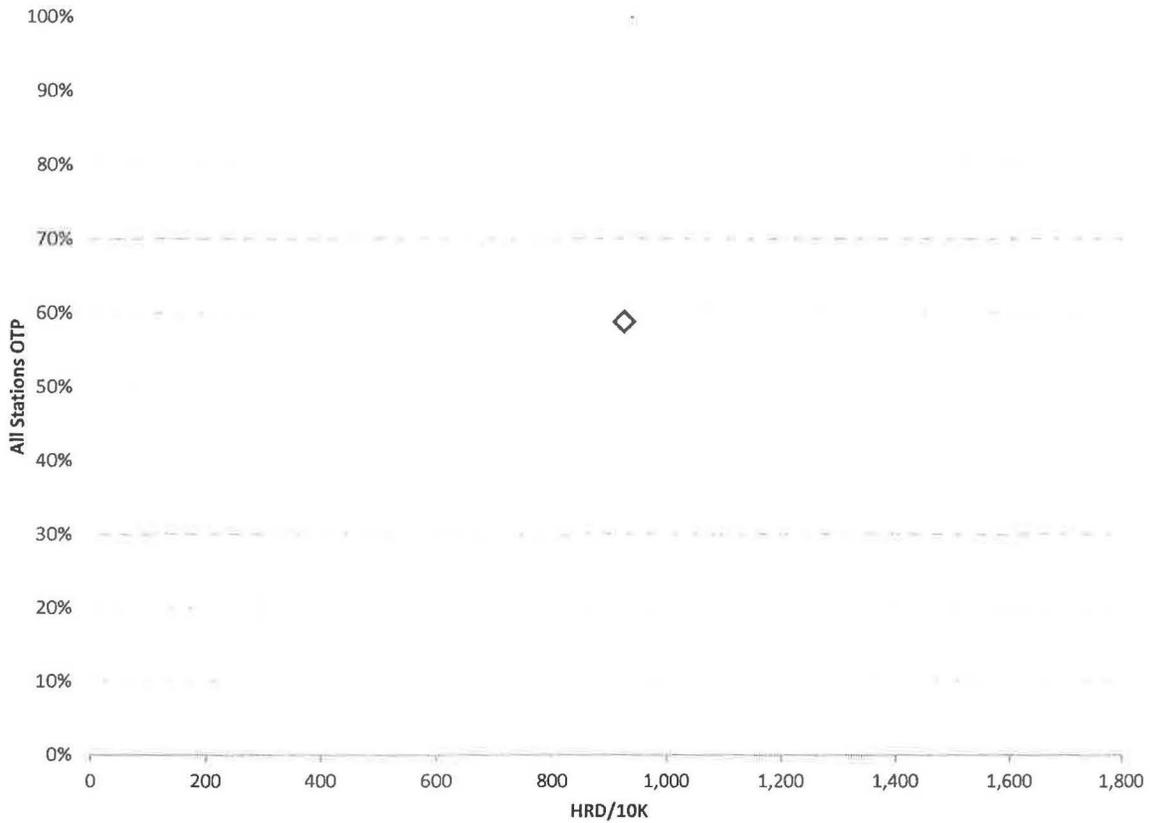
$$\text{All Stations OTP}_{\text{CONO,6/15}} = \frac{670}{1,140} = 0.588 \text{ or } 58.8\% \quad (5)$$

V.B. FINDING THE 80% POINT

18. I next discuss how I use standard statistical methods to find the 80% Point. Before presenting the statistics, I first demonstrate and explain the common sense observation that I will analyze rigorously with statistics: more HRD/10K leads to lower All Stations OTP in a largely predictable fashion.
19. I do so with a graph. I first explain how the graph works, and then plot the data on the graph, allowing the reader to observe the relationship between HRD/10K and All Stations OTP.
20. In Figure 1 below, the vertical axis represents the All Stations OTP percentage, and the horizontal axis represents HRD/10K. I have plotted the data point for Amtrak Trains on the City of New Orleans route during June 2015: 924 minutes of HRD/10K and a 58.8% All Stations OTP.

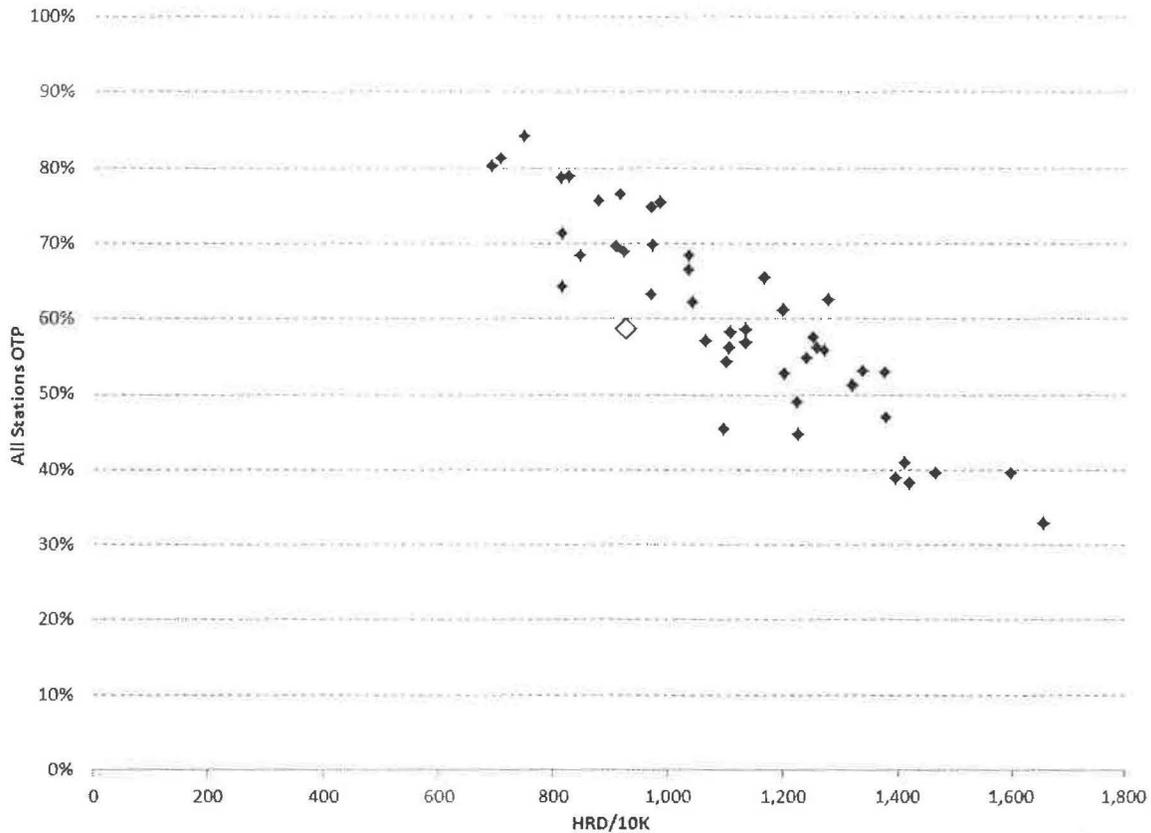
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**Figure 1: Data Point for City of New Orleans Route in June 2015
(924 minutes of HRD/10K and 58.8% All Stations OTP)**



21. In Figure 2, I plot, with solid diamonds, the data points for the other months of the City of New Orleans route during the Analysis Timeframe. June 2015 remains as a hollow diamond.

Figure 2: All Stations OTP and HRD/10K for the City of New Orleans Route during the Analysis Timeframe



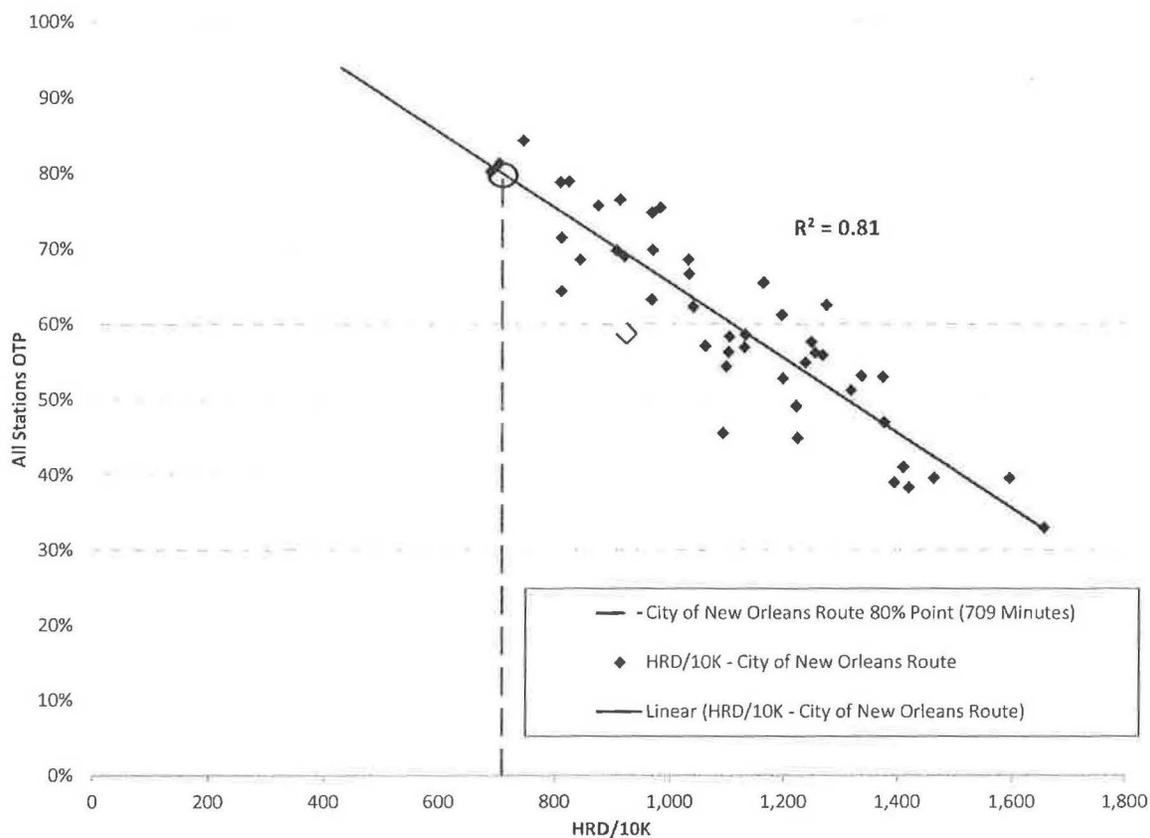
22. The data in Figure 2 shows that All Stations OTP decreases as HRD/10K increases. This is the common sense observation that I analyze rigorously with standard statistical methods.
23. I used a statistical method called ordinary least squares regression (“OLS”) to estimate *by how much* All Stations OTP decreases as HRD/10K increases. That relationship is represented in Figure 3 as the solid downward sloping line (technically called the “line of best fit”) which has been added to same data points as contained in Figure 2.⁵
24. The level of HRD/10K at which All Stations OTP should average 80% (the “80% Point”) is determined by the line of best fit.⁶ As can be seen in Figure 3, the 80% Point is the point

⁵ The “line of best fit” is the line that fits the data best according to the OLS regression. OLS determines the line of best fit, also called the regression line, as the line that minimizes the sum of the squares of the vertical distances between each point and the line.

⁶ In statistical language, the 80% point is the level of HRD/10K at which the expected All Stations OTP is 80%.

on the line of best fit where it crosses the 80% All Stations OTP threshold. This point is circled on the graph. The vertical line (dashed) connecting this point to the horizontal axis shows the minutes of HRD/10K at which All Stations OTP is expected to be 80%. For the City of New Orleans route this occurs at 709 minutes of HRD/10K.

Figure 3: Statistical Analysis of the Relationship between HRD and All Stations OTP for the City of New Orleans Route



25. The relationship between HRD/10K and All Stations OTP determined by OLS—represented by the line of best fit—was statistically significant and had substantial explanatory power.⁷ Statistical significance means that the relationship observed was unlikely to be due to random chance. The technical meaning is that—at the conventional 5% level of significance which I use—if there was no actual relationship between HRD/10K and All Stations OTP, then there would be a 5% or less chance of observing an apparent relationship as large as that actually observed in the data.⁸

⁷ See Appendix C.

⁸ See, for example, Kennedy, Peter. *A Guide to Econometrics*. 5th ed. Cambridge: MIT Press, 2003. 246.

26. The explanatory power was high because monthly differences in HRD/10K explain 81% of monthly differences in All Stations OTP for this Route.⁹ In layman’s terms this means that, on average, for any two points, 81% of the difference between their levels of All Stations OTP was explained by differences in their minutes of HRD/10K. So, for the City of New Orleans route during the Analysis Timeframe, *most* (i.e., 81%) of the month to month variation observed in All Stations OTP was explained by month to month variation in HRD/10K.
27. I analyzed each Route separately. Data plots for other Amtrak Routes using the same methodology are similar in that All Stations OTP declines in a largely predictable manner as HRD/10K increases. These data and plots are provided in Appendix B. Detailed regression results are in Appendix C. All regressions used to determine the 80% Points were statistically significant at the conventional 5% level.
28. For each regression, the dependent variable (what needs to be explained) was All Stations OTP, calculated on a monthly basis as discussed above.¹⁰ The independent variable (the factor doing the explaining) was HRD/10K. The regression equation is given in equation (6):

$$OTP_{r,m} = \alpha_r + \beta_r * HRD/10K_{r,m} + e_{r,m} \quad (6)$$

where $OTP_{r,m}$ is All Stations OTP for Route r in month m ; $HRD/10K_{r,m}$ is minutes of HRD/10K for Route r in month m ; $e_{r,m}$ are the “residuals” meaning the variations in All Stations OTP that are not explained by changes in HRD/10K; and α_r and β_r are parameters to be estimated for Route r . The regression chooses the α_r and β_r parameters that minimize the sum of the squares of the residuals.¹¹

29. To determine the 80% Point, I ran the regression for the entire Analysis Timeframe on each Amtrak Route, with the following exceptions:
- a. Permanent schedule changes: There were permanent schedule changes on the Blue Water and Wolverine routes in September 2012 that altered the relationship between

⁹ The statistical measure of explanatory power, R^2 , is 0.81.

¹⁰ There is a separate regression for each route to determine the 80% Point.

¹¹ For ease of notation, I suppress the r (route) subscripts in the remainder of the discussion. α and β refer to the parameters from a given route, and each route has its own set of parameters.

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HRD/10K and All Stations OTP.¹² For those routes, I used only data after these permanent schedule changes.

- b. Temporary schedule changes due to track work: I did not include days in which any train on the relevant Amtrak Route had a schedule change due to track work.
 - c. Incomplete routes: I did not include a given Route on a given day if any of the trains on that Route on that day failed to reach the end-point station, or did not start at the first station normally scheduled for that Route. This affected only a small fraction of days.
 - d. Outliers: There are seven data points that appear to be outliers with exceptionally high HRD/10K. To be conservative, I remove these from the analysis. Had I included them, the 80% Points would be lower, meaning penalties would generally be higher.¹³
30. If there were 10 or more days affected by (b) or (c) on an Amtrak Route in a month, I omitted the Route for that month.¹⁴
31. Based on the α and β parameters estimated in the regression for Route r , denoted as $\hat{\alpha}$ and $\hat{\beta}$, the All Stations OTP expected for any given level of HRD/10K is given by equation (7):

$$E\{OTP\} = \hat{\alpha} + \hat{\beta} * HRD/10K \quad (7)$$

where $E\{OTP\}$ means the expected value of All Stations OTP.

¹² See Appendix B. There were also additional permanent schedule changes on these Routes and on other Routes during the Analysis Timeframe, but those did not significantly alter the relationship between HRD/10K and All Stations OTP.

¹³ A data point is a monthly {HRD/10K, All Stations OTP} observation on a Route. I remove these points as outliers for two related reasons. First, the linear relationship between All Stations OTP and HRD/10K which holds over the range of HRD/10K that I analyze and that is relevant for the Penalty System does not hold at very high values of HRD/10K. Second, these outliers have a large impact on the regressions. Since these points should not be included in a linear regression and have a large impact if they are included, I drop them.

¹⁴ See Appendix F for the list of Routes and days with temporary schedule changes due to track work. Note that this list does not include Routes and days dropped due to an incomplete Route not covered by a temporary schedule change due to track work.

32. For each Route, the 80% Point is the minutes of HRD/10K that yields an All Stations OTP of 80% when inserted into this equation. Simple algebra yields the following formula for the 80% Point, given in equation (8):

$$\text{HRD/10K at 80\% Point} = \frac{(80\% - \hat{\alpha})}{\hat{\beta}} \quad (8)$$

33. A summary of the 80% Points (and supporting regression results) is provided in Figure 4.

Figure 4: Regression Results and 80% Points by Amtrak Route¹⁵

Amtrak Route	Y-Intercept Estimate [1]	Coefficient Estimate [2]	R-Squared [3]	80% Point [4]
Blue Water	1.18	-0.000406	0.63	936
City of New Orleans	1.15	-0.000499	0.81	709
Illini/Saluki	0.94	-0.000329	0.84	432
Lincoln	1.17	-0.000342	0.95	1,073
Texas Eagle	1.00	-0.000322	0.63	615
Wolverine	0.90	-0.000246	0.57	411

Source: Analysis of Amtrak Data

Notes:

[4]: $(0.8 - [1]) / [2]$.

34. As shown in Figure 4, the 80% Point for the City of New Orleans route is 709 minutes of HRD/10K. The corresponding figures for the Blue Water, Illini/Saluki, Lincoln, Texas Eagle, and Wolverine routes are 936, 432, 1073, 615, and 411 respectively. In each case the proportion of the variation in All Stations OTP that is explained by variation in minutes of HRD/10K is significant, as indicated by the R². All of the parameters are statistically significant at the conventional 5% level.¹⁶

V.C. PENALTY SCHEDULE

35. As noted above, Amtrak asked me to develop an implementable Penalty System based on the 80% Points with the following goal:

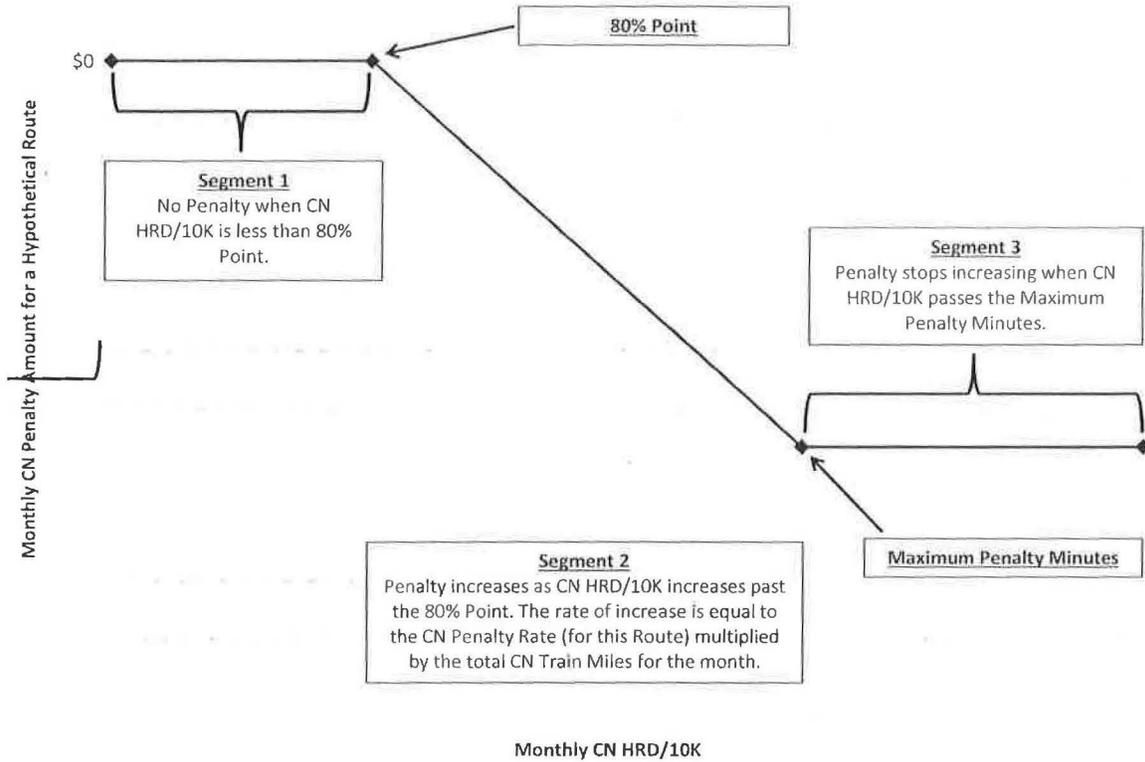
[REDACTED]

¹⁵ Detailed regression results are in Appendix C.

¹⁶ See Appendix C.

36. The essence of the Penalty Schedule is explained in Figure 5. Note that penalties are represented as negative numbers, so that the line representing the penalty to CN goes down as the amount of the penalty increases. As shown in Figure 5, the essence of the Penalty Schedule is to:
- a. Apply a penalty to CN only if the minutes of HRD on CN track exceed the threshold of the 80% Point. If minutes of CN HRD/10K (defined above as minutes of CN HRD per 10,000 CN Train Miles) are less than or equal to those given by the 80% Point, there is no penalty. This corresponds to “Segment 1” in Figure 5.
 - b. Increase that penalty as minutes of CN HRD increase in a manner that [REDACTED] This rate of increase is given by the “CN Penalty Rate”. This corresponds to “Segment 2” in Figure 5. On this segment the penalty assessed would be the CN Penalty Rate multiplied by CN Train Miles in that month multiplied by the difference between the minutes of CN HRD/10K and the 80% Point.
 - c. Stop increasing the penalty at minutes of CN HRD/10K beyond which [REDACTED] the “Maximum Penalty Minutes.” This corresponds to “Segment 3” in Figure 5. The penalty in this segment remains at the CN Penalty Rate multiplied by CN Train Miles in that month multiplied by the difference between the Maximum Penalty Minutes and the 80% Point.

Figure 5: Illustrative Example of Penalty Schedule



37. The CN Penalty Rate and the Maximum Penalty Minutes are calculated separately for each Route. I first describe the calculations for each, at a conceptual level, and then provide details. At a conceptual level, the CN Penalty Rates are calculated as follows:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED] This is the CN Savings Rate.
- d. [REDACTED] I multiplied the CN Savings Rate by 1.2 to obtain the CN Penalty Rate for each Amtrak Route.

- 38. At a conceptual level, the Maximum Penalty Minutes are calculated, separately for each Route, based on the level of service that CN's statements imply correlate to zero additional costs on that Route (i.e., a level of service so poor that CN perceives it incurs no additional cost to carry Amtrak Trains).
- 39. I explain each of these steps below.

V.C.1. Costs CN Reports Incurring for Relatively Better vs. Worse Service

40. [Redacted]

41. [Redacted]

[Redacted]

[Redacted]

18 [Redacted]

Thus, my calculations and analysis are conservative.

[Redacted]

[Redacted]

[Redacted]

V.C.2. Per Train Mile Costs for Relatively Better vs. Worse Service

42. [Redacted]

43. [Redacted]

44. [Redacted]

V.C.3. [Redacted]

45. [Redacted]

46. [Redacted] For a given

Route, the formula is:²⁴

$$\text{CN Savings Rate} = \frac{[Redacted]}{[Redacted]} \quad (9)$$

22 [Redacted]

23 [Redacted]

²⁴ The Penalty Schedule thus implicitly assumes that CN's cost saving per CN Train Mile between the February 2013 Level of Service and the Pre-February 2013 Level of Service is the same on all Routes.

[REDACTED]

47.

[REDACTED]

48.

[REDACTED]

For this reason, I calculate the CN Penalty Rate by multiplying the CN Savings Rate by 1.2, [REDACTED] In my opinion, 20% is the lowest number that adequately ensures that, even if I have underestimated the actual CN Saving Rate for a given Route, the penalty rate should still be above the actual CN Savings Rate.

49. Figure 6 shows the CN Savings Rate and CN Penalty Rate for each Amtrak Route.

Figure 6: CN Savings Rate and CN Penalty Rate by Route²⁵

Route	CN Savings Rate [1]	CN Penalty Rate [2]
Blue Water	[REDACTED]	[REDACTED]
City of New Orleans	[REDACTED]	[REDACTED]
Illini/Saluki	[REDACTED]	[REDACTED]
Lincoln	[REDACTED]	[REDACTED]
Texas Eagle	[REDACTED]	[REDACTED]
Wolverine	[REDACTED]	[REDACTED]

Source: Analysis of Amtrak Data and the [REDACTED]

Notes:

[1]: Units are dollars per CN Train Mile per minute of CN HRD/10K.

[2]: [1] * 1.2. Same units as [1].

V.C.4. Maximum Penalty Minutes

50.

[REDACTED]

51.

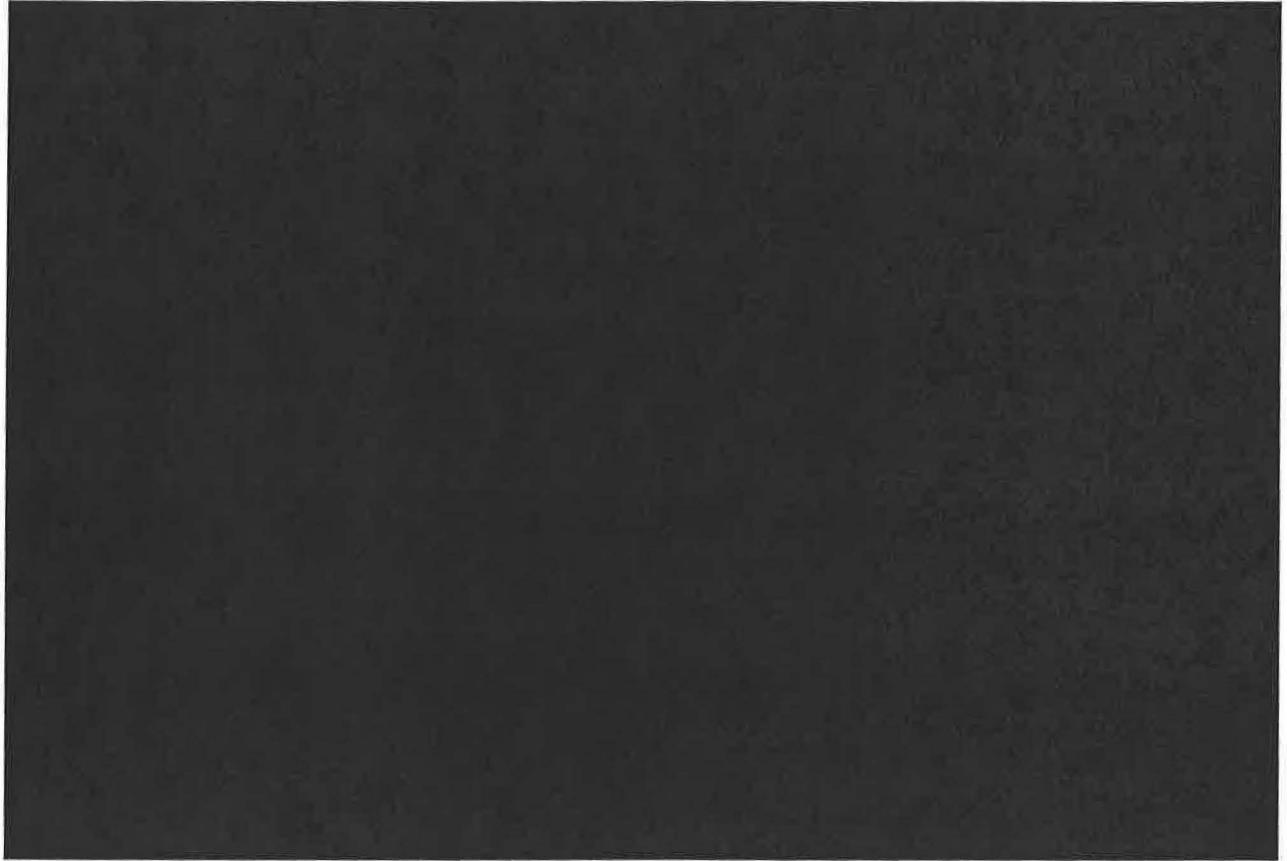
On each Route, the Maximum Penalty Minutes is the CN HRD/10K [REDACTED]. The Penalties Schedule stops increasing once CN HRD/10K reaches the Maximum Penalty Minutes. The calculation of the Maximum Penalty Minutes for the Illini/Saluki route is illustrated graphically in Figure 7.²⁶

²⁵ These calculations are provided in more detail in Appendix E.

²⁶ See Appendix E for derivation of the Maximum Penalty Minutes.

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Figure 7: The Maximum Penalty Minutes for the Illini/Saluki Route



52. Figure 8 displays the Maximum Penalty Minutes for each Amtrak Route.

Figure 8: Maximum Penalty Minutes²⁷

Route	Maximum Penalty Minutes [1]
Blue Water	[REDACTED]
City of New Orleans	[REDACTED]
Illini/Saluki	[REDACTED]
Lincoln	[REDACTED]
Texas Eagle	[REDACTED]
Wolverine	[REDACTED]

Source: Analysis of Amtrak Data [REDACTED]

Notes:

[1]: Units are minutes of CN HRD/10K.

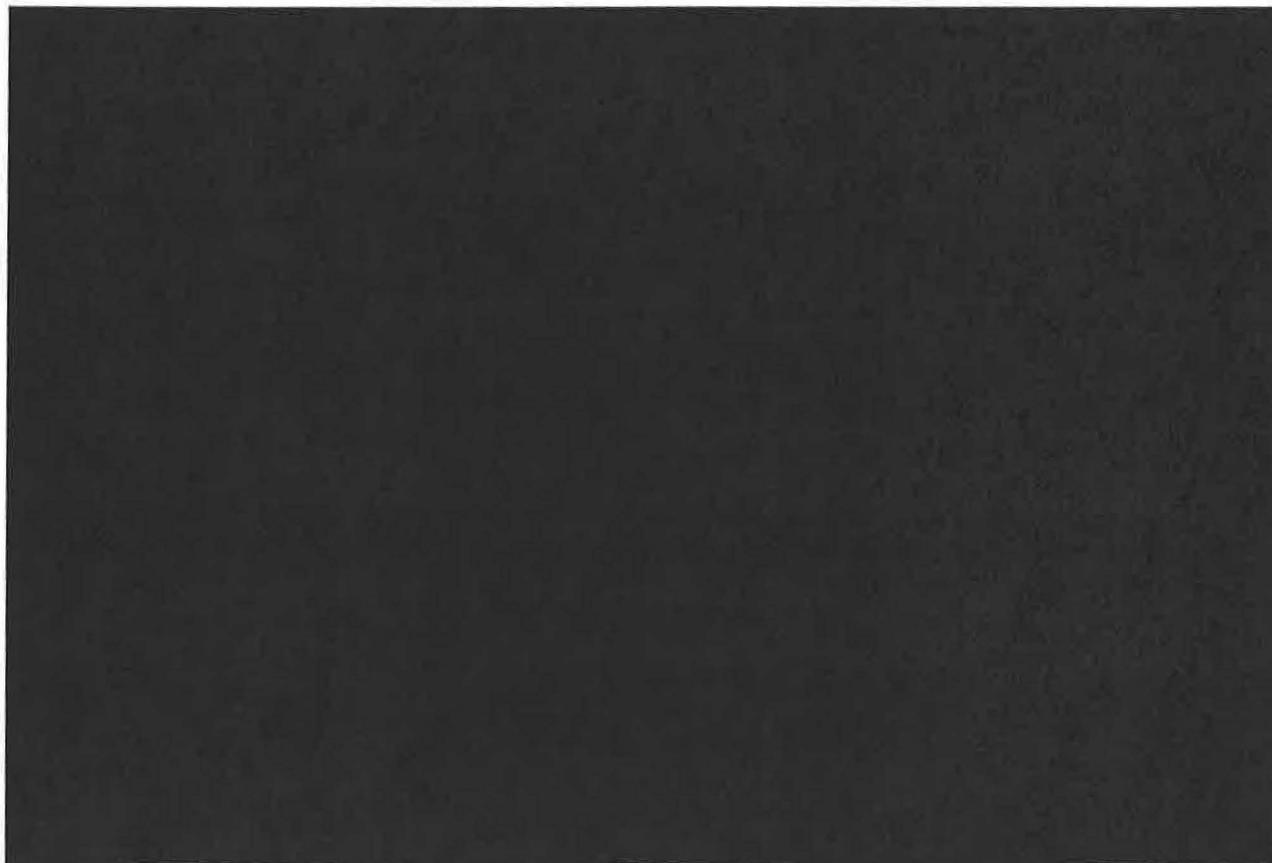
V.C.5. Penalty Rates

53. For each Route, Figure 9 shows the monthly CN Penalty Rate Schedule, which is a function of minutes of CN HRD/10K. As discussed in ¶36 the Penalty Schedule is zero when CN HRD/10K is below the 80% Point, and then increases as CN HRD/10K increases past the 80% Point, capping out at the Maximum Penalty Minutes. The Maximum Penalty Minutes differ by Route because [REDACTED]

²⁷ See Appendix E for derivation of the Maximum Penalty Minutes.

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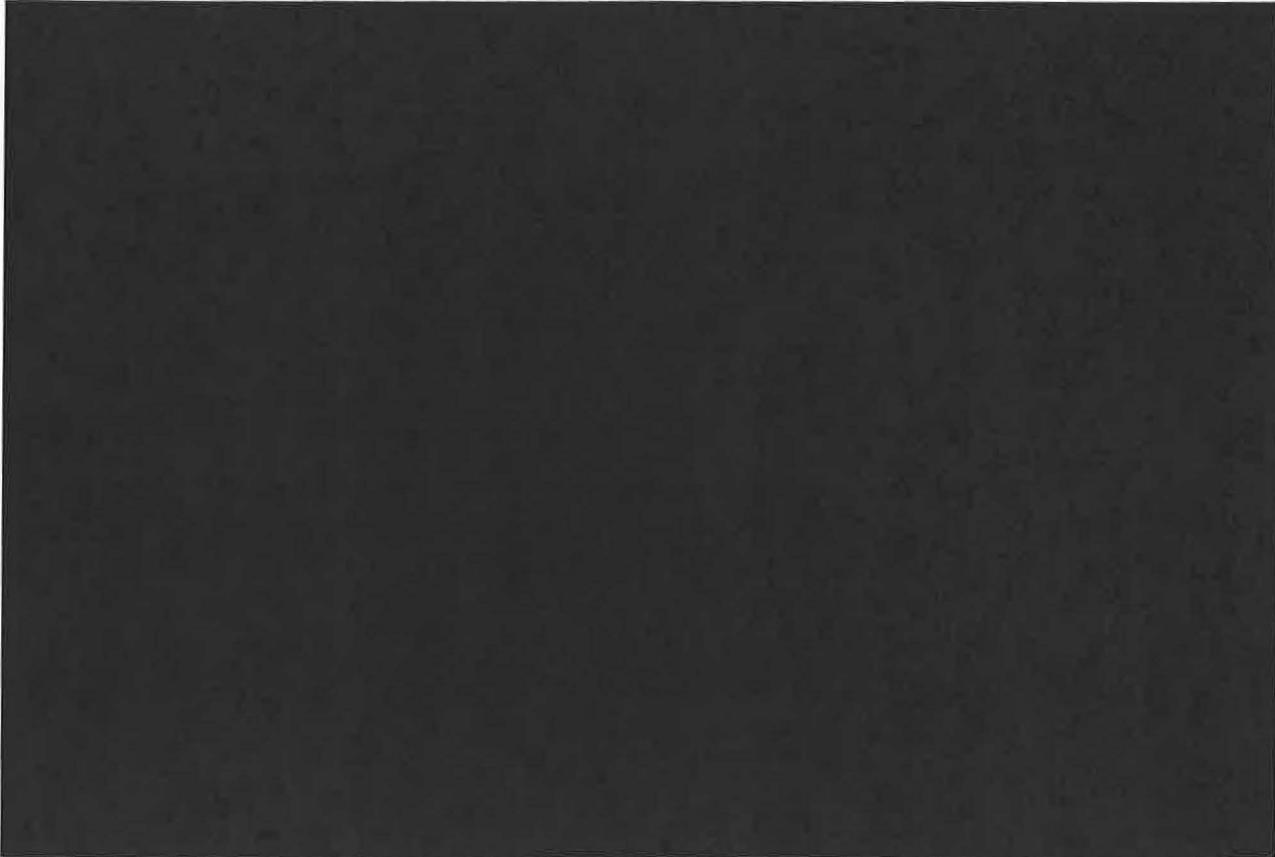
Figure 9: CN Penalty Rate Schedule by Route



54. The CN Penalty Rate shown in Figure 9 is a rate per CN Train Mile. To obtain total CN Penalties in a month, one must multiply the CN Penalty Rate by CN Train Miles for a given Route on a given month. Figure 10 shows, for each Amtrak Route, the total monthly penalties to CN at different levels of CN HRD/10K, calculated at the average monthly CN Train Miles on each Route.²⁸

²⁸ Monthly averages are over calendar year 2013.

Figure 10: Total Monthly CN Penalty as a Function of CN HRD/10K, by Route



VI. Integrating Quality Payments

55. Amtrak asked me to demonstrate how their proposed Quality Payment system would integrate with the proposed Penalty System. The Quality Payment system provides quality payments to CN, on a Route by Route and month by month basis, for service that is better than the 80% Point – that is, when CN HRD is less than the level of CN HRD at the 80% Point on a given Route.
56. These Quality Payments increase as CN HRD decreases at the same rate as the penalties increase in the Penalty System. As shown in Figure 11, the monthly Quality Payments for each Route cap out at certain levels, [REDACTED]

[REDACTED]

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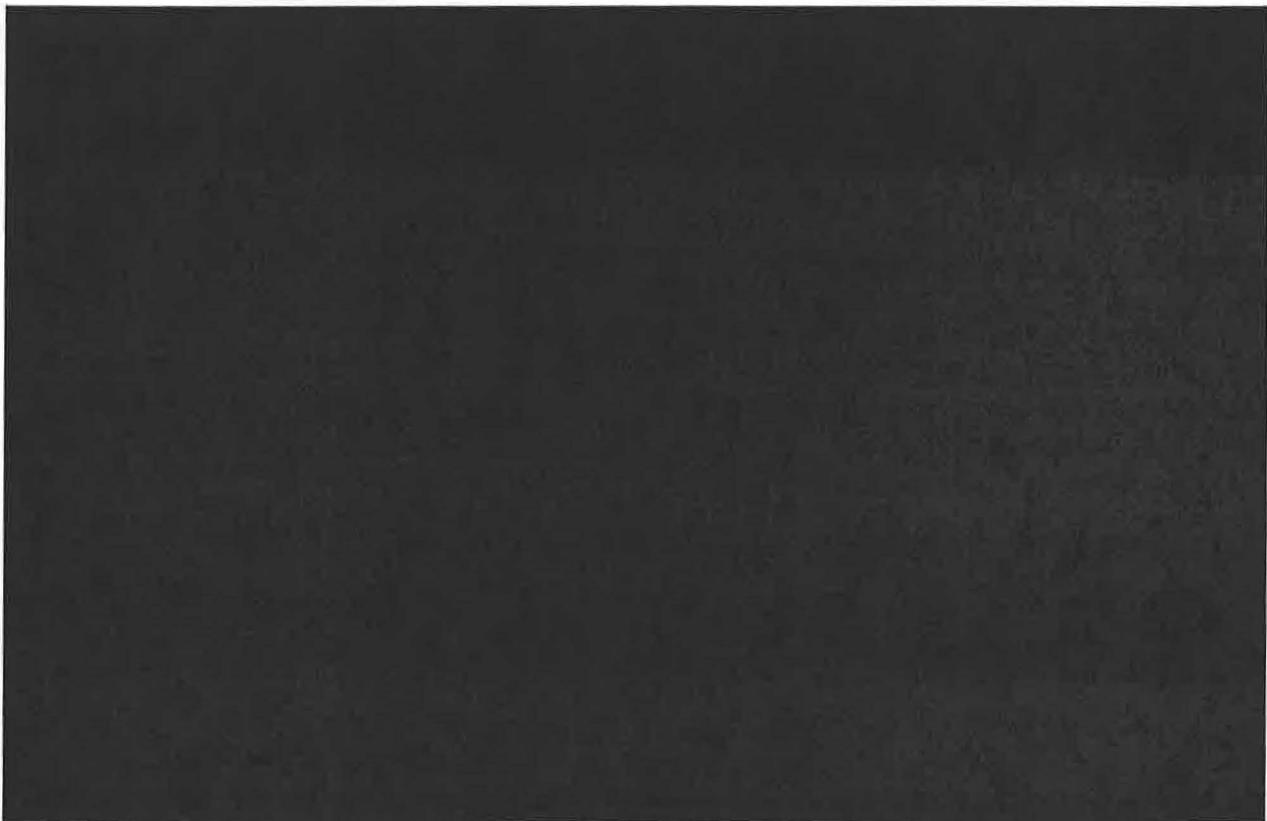
Figure 11: Monthly Maximum Incentive Payments, by Route

Route	Maximum Monthly Incentive Payment
Blue Water	[REDACTED]
City of New Orleans	[REDACTED]
Illini/Saluki	[REDACTED]
Lincoln	[REDACTED]
Texas Eagle	[REDACTED]
Wolverine	[REDACTED]

Source: Provided by Amtrak

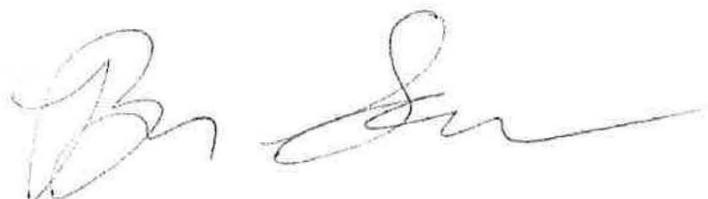
57. Figure 12 shows how the Quality System integrates with the Penalty System. Note that Quality Payments are represented as positive numbers on the graph, and penalties as negative.

Figure 12: Total Monthly CN Penalty and Quality Payment as a Function of CN HRD/10K, by Route



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Signed,

A handwritten signature in black ink, appearing to read "Ben Sacks". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Benjamin Sacks

September 4, 2015

Appendix A: Resume of Benjamin Sacks

BENJAMIN A. SACKS

Principal

Washington, DC

+1.202.419.3366

Benjamin.Sacks@brattle.com

Mr. Benjamin A. Sacks has over fifteen years of experience providing expert advice and testimony on the application of economics, finance, and statistics to valuations, damages and determination of liability. Mr. Sacks has assisted corporations, investors, U.S. government agencies (such as the Department of Justice), and foreign governments, in developing and presenting economic and financial testimony in complex litigation and arbitrations. Notable engagements include deposition testimony on the complex relations between Hank Greenberg, AIG and the Starr Corporation; and supporting testifying experts in several RMBS related actions, voting rights litigation in Texas, and several Yukos-related international arbitrations.

Mr. Sacks is a principal in The Brattle Group's finance and litigation practice, having previously served as a vice-president at CRA and a partner at Bates White where he helped to found the firm's Corporate Finance and Environmental and Product Liability practices. Mr. Sacks has presented at the Securities and Exchange Commission on corporate governance and self-dealing, and at Credit Suisse First Boston and the Lex Mundi International Conference in Rome on asbestos liability, particularly in the context of mergers and divestitures. He has also taught CLE courses on damages at various law firms.

Mr. Sacks received his B.A. in mathematical economics from Columbia University and his M.A. in economics from the University of Chicago. At the University of Chicago he has also passed all of the exams and completed all of the coursework required for a Ph.D.

AREAS OF EXPERTISE

- International Arbitration
- Finance, Valuation & Securities Analysis
- Commercial Damages & Lost Profits
- Statistical Analysis

EXPERIENCE

International Arbitration

- Consulting expert in ICC arbitration involving construction of oil platforms in Brazil.
- Consulting expert in ICDR arbitration involving allegations of breach of contract, theft of trade secrets and tortious interference in the telecom / mobile applications industry.

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- Consulting expert on behalf of foreign investors in a Uranium mine located in the former Soviet Union (London Court of International Arbitration).
- Consulting expert for private equity investors in a Korean bank (Bilateral Investment Treaty, ICSID)
- Consulting expert on behalf of the Russian Federation in three parallel arbitrations under UNCITRAL Rules in The Hague brought by former majority shareholders of Yukos Oil Company. The claims allege unfair treatment and expropriation in violation of the investment provisions of the Energy Charter Treaty.
- Valuation of mining concessions in Latin America (Bilateral Investment Treaty heard under UNICTRAL rules, Permanent Court of Arbitration).
- Valuation of oil transshipment facility in Commonwealth of Independent States (London Court of International Arbitration).
- Valuation of an investment bank in the Commonwealth of Independent States (former Soviet Union).
- Lost profits and hypothetical licensing fee involving a Chinese chemical company (Bilateral Investment Treaty Dispute, Stockholm Chamber of Commerce).
- Valuations of shares in publically traded oil Russian company (Bilateral Investment Treaty Dispute, Stockholm Chamber of Commerce).
- Valuation of firm assets and lost profits of a Russian oil company (European Court of Human Rights).
- Valuation of shares in a Russian oil company (Bilateral Investment Treaty Dispute, Stockholm Chamber of Commerce).

Finance and Valuation

- State ex rel. McGraw v. Wells Fargo Insurance Services of West Virginia Inc, Circuit Court of Hancock County, West Virginia, Civil Action No. 05-C-115. Expert witness regarding damages from contingent commissions offered to insurance broker.
- Assured Guaranty (UK) LTD., in its own right and in the right of Orkney Re II PLC, v. J.P. Morgan Investment Management Inc, Index No. 603755/2008, Consulting expert. Portfolio management standards and damages from alleged lack of suitability of investments.
- Ambac Assurance UK LTD., in the name of Ballantyne Re PLC, v. v. J.P. Morgan Investment Management Inc, Index No. 650259/2009, Consulting expert. Portfolio management standards and damages from alleged lack of suitability of investments.

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- National Credit Union Administration Board, as Liquidating Agent of Southwest Corporate Federal Credit Union and Members United Corporate Federal Credit Union, v. Credit Suisse Securities (USA) LLC, Credit Suisse First Boston Mortgage Securities Corp., Case No. 13-CV-6736 (DLC), Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- National Credit Union Administration Board, as Liquidating Agent of Southwest Corporate Federal Credit Union and Members United Corporate Federal Credit Union, v. UBS Securities LLC, Case No. 13-CV-6731 (DLC). Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- U.S. Securities and Exchange Commission v. Richard F. Syron, Patricia L. Cook and Donald J. Bisenius, Civil Action No 11-CV-9201 (RJS). Testifying expert. Quantitative analysis of the loans in Freddie Mac's single family guarantee portfolio, loans underlying non-agency mortgage-backed securities, analysis of various Freddie Mac models.
- Federal Home Loan Bank of Seattle v. Goldman Sachs & Co, et al., Case No. 09-2-46349-2 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- Federal Home Loan Bank of Seattle v. RBS Securities Inc., f/k/a Greenwich Capital Markets, Inc., et al., Case No. 09-2-46347-6 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities
- Federal Home Loan Bank of Seattle v. Bank of America securities LLC, et al., Case No. 09-2-46319-1 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- Federal Home Loan Bank of Seattle v. Merrill Lynch, Pierce, Fenner & Smith, Inc. et al., Case No. 09-2-46352-2 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- Federal Home Loan Bank of Seattle v. Morgan Stanley & Co, Inc., et al., Case No. 09-2-46348-1 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- Federal Home Loan Bank of Seattle v. Credit Suisse Securities USA LLC, et al., Case No. 09-2-46353-1 SEA. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.

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- In Re: Countrywide Financial Corp. Mortgage-Backed Securities Litigation, MDL No. 11-ML-02265-MRP (MANx), Federal Deposit Insurance Corporation As Receiver For Franklin Bank v. Countrywide Financial Corp., et al., Case No. 12-CV-03279-MRP (MANx). Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- In Re: Countrywide Financial Corp. Mortgage-Backed Securities Litigation, MDL No. 11-ML-02265-MRP (MANx), Federal Deposit Insurance Corporation As Receiver For United Western Bank v. Countrywide Financial Corp., et al., Case No. 11-CV-10400-MRP (MANx). Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- The Western and Southern Life Insurance Company, et al. Plaintiffs, v. DLJ Mortgage Capital, Inc., et al., Defendants, Court of Common Pleas, Hamilton County, Ohio, Case No. A05352. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- National Integrity Life Insurance Company, Plaintiff v. Countrywide Financial Corp. et al, Defendants, United States District Court for the Southern District of new York, case No 11-CIV-8011. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- The Western and Southern Life Insurance Company, et al. Plaintiffs, v. Morgan Stanley Mortgage Capital, Inc., et al., Defendants, Court of Common Pleas, Hamilton County, Ohio, Case No. A1105563. Consulting expert. Statistical analysis of due diligence and underwriting regarding residential mortgages and mortgage backed securities.
- Curbow Family LLC v. Morgan Stanley Investment Advisors Inc., Index No. 651059/2010 (Sup. Ct. NY) and Rotz v. Van Kampen Asset Management, Index No. 651060/2010 (Sup. Ct. NY). Expert witness regarding damages stemming from the redemption of Auction Rate Preferred Securities.
- Navy Federal Credit Union v. Fiserv Solutions and XL Specialty Insurance Company, Index No. 09-601217-2009. Expert witness. Statistical analysis of automated valuation model usage.
- Howard M. Ehrenberg, Chapter 7 Trustee for the Estate of Ruderman Capital Partners, LLC v. Kevin L. Washington, James King and Knight Capital Group, et al., Superior Court of the State of California for the County of Orange, Case No. 30-2011 00450602. Expert witness. Statistical analysis of trading patterns in an alleged pump and dump scheme.
- ACS Shareholder Litigation, Delaware Court of Chancery, Consolidated C.A. No. 4940-VCP. Expert witness on differential merger consideration offered to different classes of stock in a merger.

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- Teachers Retirement System of Louisiana v. Maurice R. Greenberg, Edward E. Matthews, Howard I. Smith, Thomas R. Tizzio, and C. V. Starr & Co. Inc, Delaware Court of Chancery, C.A. No 20106-VCS. Expert witness on economic evaluation of entire fairness.
- Delphi Financial Group Shareholder Litigation, Delaware Court of Chancery, Consolidated C.A. No. 7144-VCG. Expert witness on differential merger consideration offered to different classes of stock in a merger.
- Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co. Incorporated, Palm Beach County, Florida, Case No. 2003 CA 005045 AI. Economic and financial analysis of damages.
- Expert witness on lost profits and lost business value due to fraud (Chinese drywall). Matter is confidential.
- Consulting expert on impact of ratings downgrade and loss of reputation for Saudi real estate firm.
- Consulting expert on the impact of alleged non-disclosure of material information on the sale price of European pharmaceutical subdivision. Matter is confidential.
- Consulting expert on valuation of oil rigs. Matter is confidential.
- Evaluation of economic content in multiple alleged tax-shelter transactions.
- Estimation of the value of residual value of auto leases with claimed losses totaling more than \$500 million for a coalition of insurance carriers.

Damages and Lost Profits

- United States of America, ex rel., Michael Saunders, v. Unisys, Inc., United States District Court for the Eastern District of Virginia, Alexandria Division, Civil Action No 1:12 CV 379 GBL/TCB. Expert witness on damages from alleged billing fraud on a government contract.
- Wolfson-Verrichia Group, et al., v. Metro Commercial Real Estate, Inc., et al., United States District Court for the Eastern District of Pennsylvania, No. 08-CV-4997. Expert witness on damages, retail shopping center development and anchor site selection.
- Eastbanc, Inc. v. Georgetown Park Associates II Limited Partnership, Georgetown Park Partners, LLC, and Herbert S. Miller, Superior Court of the District of Columbia, 2006 CA 002291 B. Expert witness on lost profits from failure / delay in developing a retail mall.
- Norfolk Southern Railway Company v. Drummond Coal Sales, Inc., U.S. District Court, Western District of Virginia. Civil Action No. 7:08CV00340. Consulting Expert.

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- PBM Products LLC v. Mead Johnson Nutrition Company and Mead Johnson & Company, Eastern District of Virginia, C.A. No. 3:09CV269. Consulting expert on lost profits from false advertising.
- National Railroad Passenger Corporation vs. ExpressTrak, LLC, United States District Court for the District of Columbia, Index No. 02-CV-1773. Consulting expert on lost profits and operational performance.
- Consulting expert on damages due to infringement of database security patents. Matter is confidential.
- Expert witness on compensable costs in multiple FIFRA data compensation arbitrations.
- Expert opinion on reasonable costs in PW 5672, Harrison County fee dispute with FEMA.
- Expert witness on liability and damages in a confidential arbitration (three judge panel AAA arbitration proceedings) regarding breach of contract.
- Modeled damages in a breach-of-contract dispute for a large supermarket chain.

Mass Tort and Environmental Liability

- W.R. Grace & Co., et. al., United States District Court for the District of Delaware, Case Nos. 11-1139 through 01-1200. Estimation of foreseeable contingent liability for Sealed Air.
- Estimation of asbestos liability for a large asbestos-product manufacturing firm in a fraudulent conveyance matter.
- Estimation of silica-related liability for a major auto parts manufacturer.
- Financial reporting requirements, insurance and access to capital markets for several major companies with asbestos liability, including a large asbestos defendant, a \$15 billion (sales) manufacturer, and a \$4 billion (sales) manufacturer.
- Kaiser Aluminum Corporation, United States Bankruptcy for the District of Delaware, Case No: 02-10429. Estimation of asbestos liability on behalf of official committee of unsecured creditors.
- Directed due diligence on asbestos liability issues for multiple M&A transactions ranging from \$50 million to \$7 billion in value.
- Porter-Hayden Company, United States Bankruptcy for the District of Maryland, Case No: 02-54152 and related insurance coverage litigation. Estimation of asbestos liability for a major insurance carrier.
- Owens Corning, a Delaware Corporation, United States Bankruptcy for the District of Delaware, Case No: 00-03837 and related insurance coverage litigation. Estimation of asbestos liability for coalition of insurance carriers.

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- Estimation of asbestos liability for a major insurance carrier on asbestos liability in the Western MacArthur Bankruptcy.
- The Babcock and Wilcox Company, Diamond Power International, Inc., Babcock and Wilcox Construction Company, Inc., American Inc., United States Bankruptcy Court, Eastern District of Louisiana, New Orleans, Case No: 00-10992. Estimation of asbestos liability on behalf of insurance carriers.
- Plibrico Company and David Gerity, United States Bankruptcy for the Northern District of Illinois, Case No: 02-BK-09952 and related insurance coverage litigation. Estimation of asbestos liability for a major insurance carrier.
- Armstrong World Industries, Inc., United States Bankruptcy for the District of Delaware, Case No: 00-04471 and related insurance coverage litigation. Estimation of asbestos liability for a major insurance carrier.
- Estimation of asbestos liability for insurance buy-out and coverage acquisition negotiation support for a \$15 billion (sales) manufacturer, CSX, a \$4 billion (sales) manufacturer, and a \$2 billion (sales) chemical company.
- Armstrong World Industries, Inc., United States Bankruptcy for the District of Delaware, Case No: 00-04471 and related insurance coverage litigation. Estimation of asbestos liability for a major insurance carrier.

Other

- United States of America, Plaintiff and Texas League of Young Voters Education Fund; and Imani Clark, Plaintiff-Intervenors v. State of Texas, et al., United States District Court for the Southern District of Texas Corpus Christi Division, Civ. No. 2:13-vc-00263. Consulting expert supporting Dr. Coleman Bazelon on behalf of the NAACP Legal Defense Fund in Texas voter ID litigation.
- Consulting expert on matter involving claims under Section 1 and 2 of the Sherman Act.
- Developed a method, which was accepted by a regulatory agency, for monitoring the regulatory compliance of a large telecommunications company.
- Supported expert analysis and report in multiple '337 proceedings before the ITC

ACADEMIC PAPERS

- Sacks, B.A., J.V. Hotz, C. Mulligan, and A. Zellner: "Three Essays on Bayesian Methods for Analyzing Limited Dependent Variable and Multinomial Choice Models with Measurement Error and Missing Data."
- Sacks, B.A., and A. Zellner: "Bayesian Method of Moments (BMOM) Analysis of the Multiple Regression Model with Autocorrelated Errors." Presented paper at the 1996 summer conference of the International Society for Bayesian Analysis.

PRESENTATIONS

- Seminar on DCF valuation presented to Debevoise and Plimpton, New York City, March 19, 2015.
- CLE Presentation “Lessons for Attorneys from Damages War-Stories” at WilmerHale, Washington, D.C., June 22, 2011, Venable, Washington, D.C., October 18, 2011, Kramer Levin Naftalis & Frankel, New York City, November 10, 2011, White & Case, Washington, D.C., November 15, 2011, Cadwalader Wickersham & Taft, New York City, November 17, 2011; Dilworth Paxson, Philadelphia, November 30, 2011; Baker Botts, Washington, D.C., December 19, 2011; Bernstein Litowitz Berger & Grossmann, New York City, February 16 2012; New York County Lawyers Association, February 28, 2012; Cleary Gottlieb Steen & Hamilton, Washington, D.C., June 6, 2013; Day Pitney, Newark, NJ, December 6, 2013.
- Securities and Exchange Commission, Washington, D.C., June 17, 2010. Presented on corporate governance and self-dealing.
- Lex Mundi Conference, Rome, Italy, March 5, 2004. Presented “Economic experts and asbestos liability.”
- Asbestos Alliance Teach-In (joint with Jefferies & Company, Inc., and Sonnenschein Nath and Rosenthal), via teleconference, December 16, 2002. Lecturer.
- Credit Suisse First Boston, New York, New York, April 2001. Presented “Asbestos liability and M&A and divestitures.”

TESTIMONY and REPORTS

- United States of America, ex rel., Michael Saunders, v. Unisys, Inc., United States District Court for the Eastern District of Virginia, Alexandria Division, Civil Action No 1:12 CV 379 GBL/TCB. Expert report on damages. July 2014, September 2014; Deposition September 2014.
- Curbow Family LLC v. Morgan Stanley Investment Advisors Inc., Index No. 651059/2010 (Sup. Ct. NY) and Rotz v. Van Kampen Asset Management, Index No. 651060/2010 (Sup. Ct. NY). Expert report in support of Plaintiff's opposition to a motion for summary judgment, September 2012.
- Howard M. Ehrenberg, Chapter 7 Trustee for the Estate of Ruderman Capital Partners, LLC v. Kevin L. Washington, James King and Knight Capital Group, et al., Superior Court of the State of California for the County of Orange, Case No. 30-2011 00450602. Declaration filed in support of defendant's motion for summary judgment or adjudication of claims, July 2012.

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- In re Delphi Financial Group Shareholder Litigation, Delaware Court of Chancery, Consolidated C.A. No. 7144-VCG. Expert report and deposition, February 2012.
- Wolfson-Verrichia Group, et al., v. Metro Commercial Real Estate, Inc., et al., United States District Court for the Eastern District of Pennsylvania, No. 08-CV-4997. Expert report October 2011, deposition November 2011.
- FIFRA data compensation matter, Testified at arbitration November 2010, Summary of Expert Opinions disclosed October 2010.
- Eastbanc, Inc. and Anthony M. Lanier v. Georgetown Park Associates II Limited Partnership, et al., Superior Court of the District of Columbia, 2006 CA 002291 B. Supplemental Expert Statement and Rule 26(b)(4) Statement filed October 2010, deposition December 2008, Rule 26(b)(4) Statement filed October 2008.
- Navy Federal Credit Union v. Fiserv Solutions and XL Specialty Insurance Company, Index No. 09-601217-2009. Affidavit Of Benjamin Sacks in Support of Plaintiff Navy Federal Credit Union's Motion for Partial Summary Judgment filed October 2010, Expert Witness Disclosure filed pursuant to New York State CPLR § 3101(d) filed September 2010.
- In re ACS Shareholder Litigation, Delaware Court of Chancery, Consolidated C.A. No. 4940-VCP. Deposition April 2010, Expert reports March and April 2010.
- FIFRA data compensation arbitration: Summary of Expert Opinions disclosed in August 2009.
- Teachers Retirement System of Louisiana v. Maurice R. Greenberg, Edward E. Matthews, Howard I. Smith, Thomas R. Tizzio, and C. V. Starr & Co. Inc, Delaware Court of Chancery, C.A. No 20106-VCS. Deposition June 2008, Expert reports January and May 2008.
- Provided expert written opinion in PW 5672, Harrison County fee dispute with FEMA regarding reasonable costs. July 2007.
- Testimony before a three judge panel in AAA arbitration proceedings in a breach of contract matter. October 2006.

Appendix B: Relation of All Stations OTP to HRD for Amtrak Routes

B.1 LINCOLN AND TEXAS EAGLE ROUTES

58. The relationship between HRD/10K and All Stations OTP is straightforward to analyze for the Amtrak Routes that did not have permanent schedule changes during the Analysis Timeframe, such as the City of New Orleans, Lincoln, and Texas Eagle routes. Temporary schedule changes due to track work on these routes (and the other routes) are listed in Figure 27, Figure 28, and Figure 29. Figure 13 shows this relationship for the Lincoln route, and Figure 14 shows this relationship for the Texas Eagle route. The interpretation of the data points and the lines of best fit in those graphs are identical to the interpretation that were given in Figure 3, which showed the relationship for the City of New Orleans route. Detailed regression results are provided in Appendix C.

Figure 13: Relation of All Stations OTP to HRD for the Lincoln Route

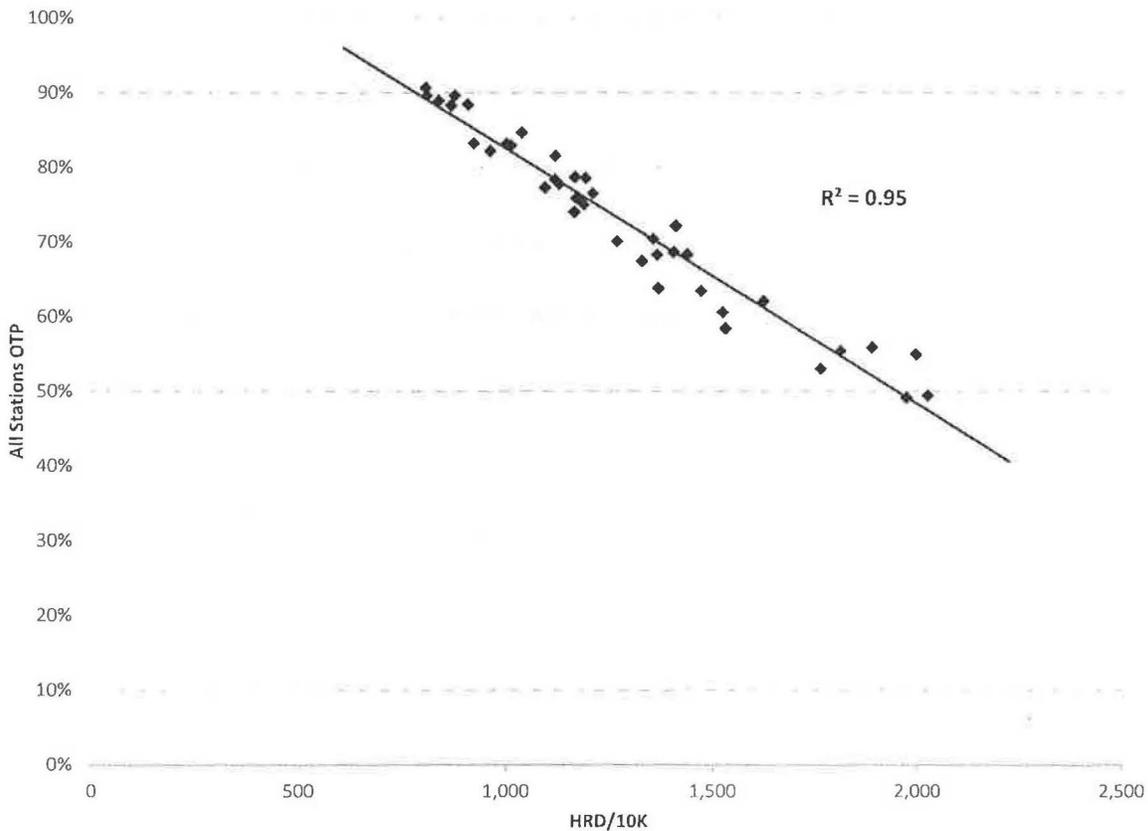
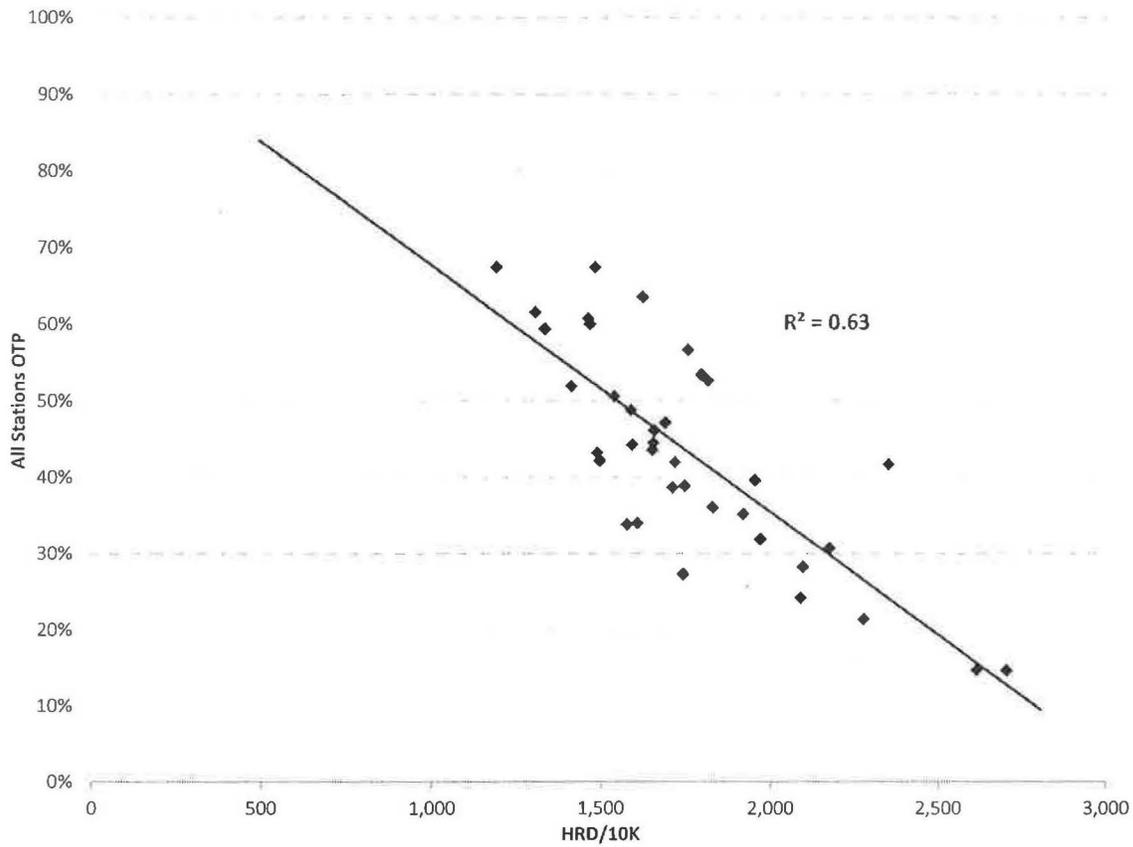


Figure 14: Relation of All Stations OTP to HRD for the Texas Eagle Route



B.2 BLUE WATER

59. There were two permanent schedule changes on the Blue Water route—September 2012 and March 2013. I divide the Analysis Timeframe for the Blue Water route into three periods, A, B, and C corresponding to before September 2012, September 2012 to March 2013, and after March 2013 respectively. I test if the relationship between HRD/10K and All Stations OTP is different in various combinations of these periods, with results shown in Figure 15.

Figure 15: Tests for the Effect of Permanent Schedule Changes in the Blue Water Route³⁰

Schedule Change Periods	F-Stat	P-Value
A Period vs. B Period	2.49	0.1168
A Period vs. (B and C Periods)	20.72	< 0.001
B Period vs. C Period	1.90	0.1764
(A and B Periods) vs. C Period	20.87	< 0.001

Source: Analysis of Amtrak Data

Notes:

A Period = Before September 2012

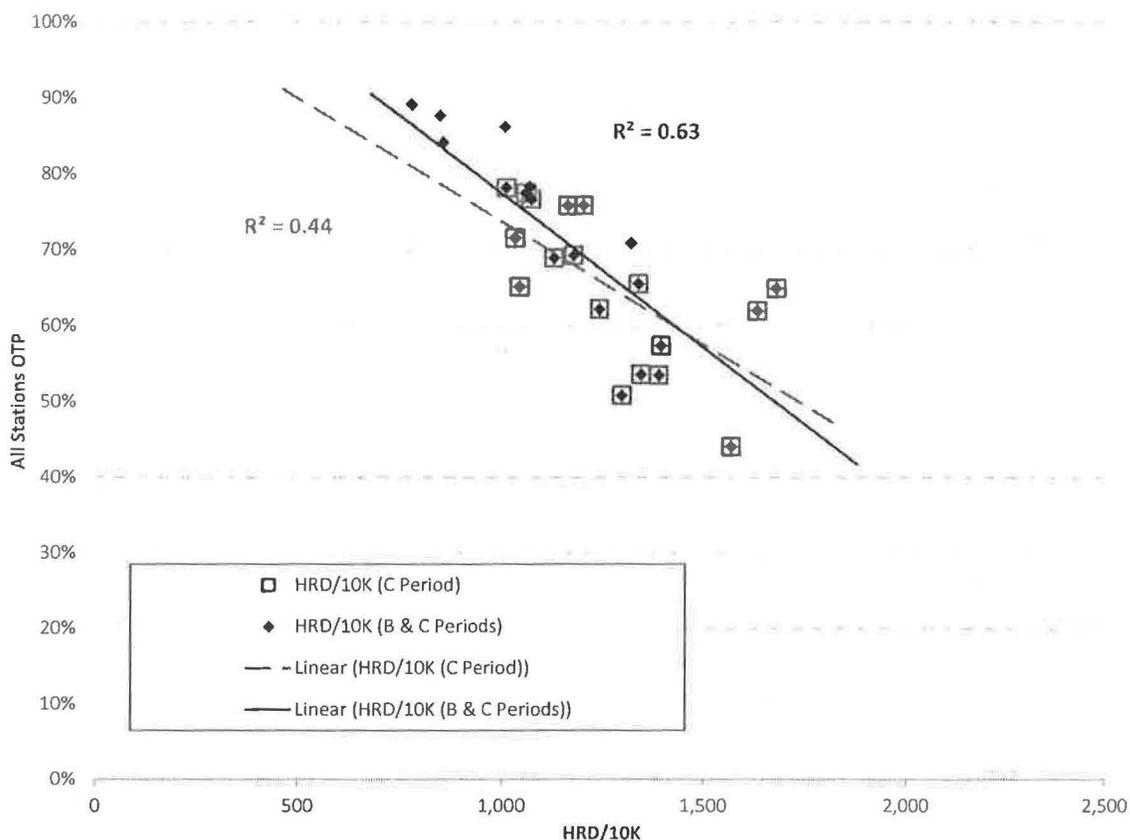
B Period = After September 2012, Before March 2013

C Period = After March 2013

60. These results show that the B Period is too short to reliably determine if the relationship between HRD/10K and All Stations OTP is the same in B as it is in A or C. They also show that the A Period is different that the B and C Periods combined, and that the C Period is different than the A and B Periods combined. I use the B and C Periods combined for the 80% Point regression, which is conservative in that it results in an 80% Point that is higher than using C alone, as shown in Figure 16.

³⁰ I test the joint null hypothesis that the regression parameters are unchanged between regressions using data from the time periods indicated.

Figure 16: Relation of All Stations OTP to HRD for the Blue Water Route



B.3 WOLVERINE

61. There were two permanent schedule changes on the Wolverine—September 2012 and October 2014. I divide the Analysis Timeframe for the Wolverine route into three periods, A, B, and C corresponding to before September 2012, September 2012 to October 2014, and after October 2014 respectively. I test if the relationship between HRD/10K and All Stations OTP is different in various combinations of these periods, with results shown in Figure 17.

Figure 17: Tests for the Effect of Permanent Schedule Changes in the Wolverine Route³¹

Schedule Change Periods	F-Stat	P-Value
A Period vs. B Period	6.17	0.0075
A Period vs. (B and C Periods)	5.62	0.0091
B Period vs. C Period	0.93	0.4148
(A and B Periods) vs. C Period	0.17	0.8450

Source: Analysis of Amtrak Data

Notes:

A Period = Before September 2012

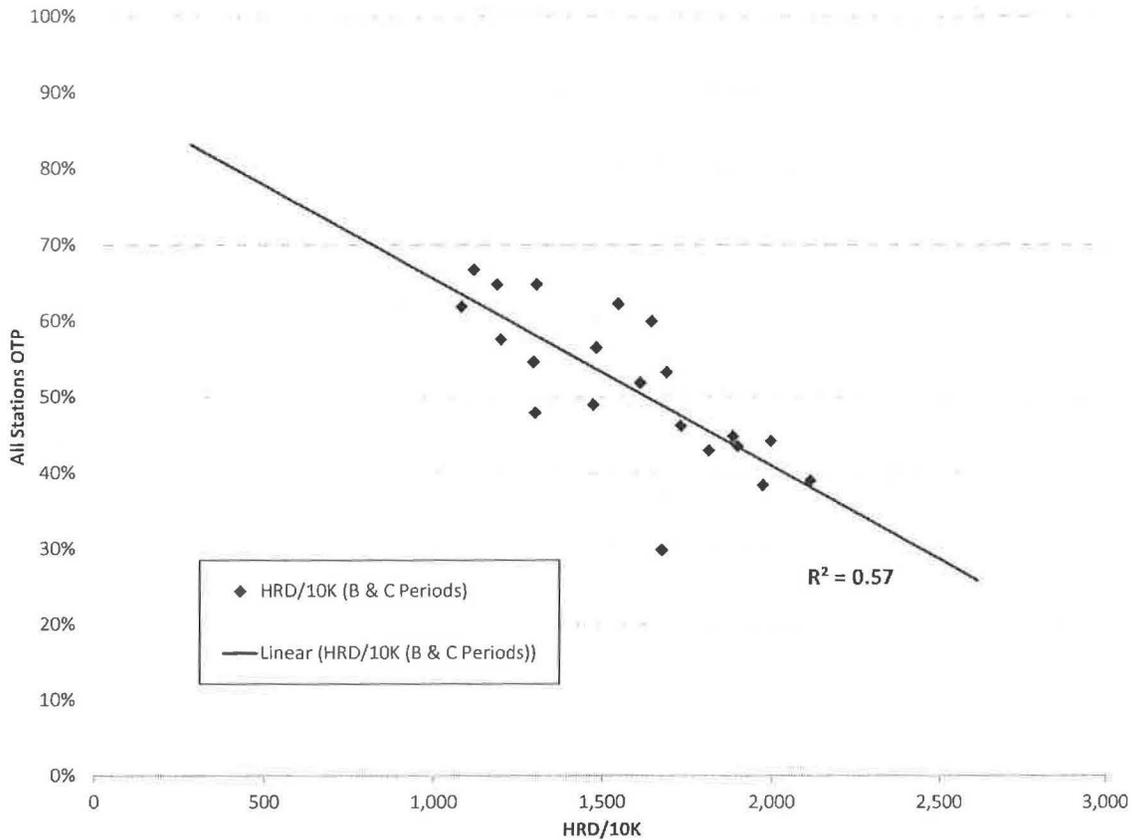
B Period = After September 2012, Before October 2014

C Period = After October 2014

62. These results show that the A Period is significantly different from both the B Period and the B and C Periods combined, but that the C Period is not significantly different than the B Period. I therefore use the B and C Periods to calculate the 80% Point, as shown in Figure 18.

³¹ I test the joint null hypothesis that the regression parameters are unchanged between regressions using data from the time periods indicated.

Figure 18: Relation of All Stations OTP to HRD for the Wolverine Route



B.4 ILLINI/SALUKI

63. There were two permanent schedule changes on the Illini/Saluki route—November 2011 and August 2013. I divide the Analysis Timeframe for the Illini/Saluki route into three periods, A, B, and C corresponding to before November 2011, after November 2011 but before August 2013, and after August 2013 respectively. None of these schedule changes significantly altered the relationship between HRD/10K and All Stations OTP, as shown in Figure 19.

Figure 19: Tests for the Effect of Permanent Schedule Changes in the Illini/Saluki Route³²

Schedule Change Periods	F-Stat	P-Value
A Period vs. B Period	0.11	0.8963
A Period vs. (B and C Periods)	0.23	0.7968
B Period vs. C Period	1.02	0.3713
(A and B Periods) vs. C Period	0.94	0.3989

Source: Analysis of Amtrak Data

Notes:

A Period = Before November 2011

B Period = After November 2011, Before August 2013

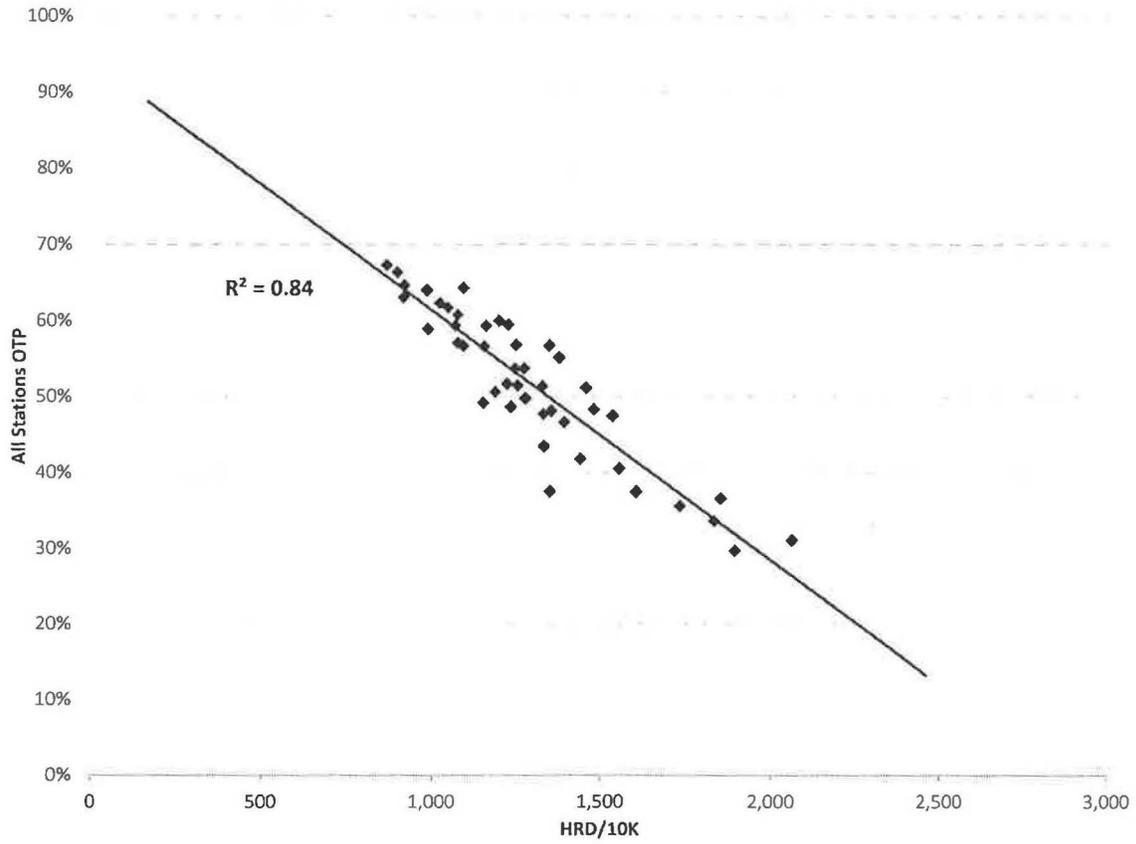
C Period = After August 2013

64. Since there were no statistically significant changes in the regression relationship, I use data for the entire Analysis Timeframe in my calculation of the 80% Point for the Illini/Saluki route, as shown in Figure 20.

³² I test the joint null hypothesis that the regression parameters are unchanged between regressions using data from the time periods indicated.

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Figure 20: Relation of All Stations OTP to HRD for the Illini/Saluki Route



Appendix C: Detailed Regression Results

Figure 21: Detailed Regression Results³³

Variables	City of New					
	Blue Water	Orleans	Illini/Saluki	Lincoln	Texas Eagle	Wolverine
HRD/10K	-0.000406 (-6.169)	-0.000499 (-13.74)	-0.000329 (-15.00)	-0.000342 (-26.09)	-0.000322 (-7.725)	-0.000246 (-5.062)
Constant	1.18 (14.75)	1.15 (28.04)	0.94 (32.54)	1.17 (66.98)	1.00 (13.38)	0.90 (11.58)
Observations	24	47	45	39	37	21
R-Squared	0.63	0.81	0.84	0.95	0.63	0.57
80% Point	936	709	432	1073	615	411

Source: Analysis of Amtrak Data

Notes:

T-Statistics are listed in parentheses.

65. I have verified that these results are not due to potential outliers in addition to those that I had already dropped, as shown in Figure 22.

Figure 22: Comparison of 80% Points Using OLS Regressions vs. Robust Regressions³⁴

Variables	City of New					
	Blue Water	Orleans	Illini/Saluki	Lincoln	Texas Eagle	Wolverine
80% Point - Simple Regression	936	709	432	1073	615	411
80% Point - Robust Regression	948	716	438	1076	655	423

Source: Analysis of Amtrak Data

66. I have also verified that excluding the outliers with high HRD on the Amtrak Routes results in higher 80% Points, as shown below. Thus, excluding these outliers result in more conservative 80% Points, and therefore smaller penalty payments.

³³ I report normal t-stats. I have verified that heteroskedastic-consistent t-stats are also significant.

³⁴ Robust regression performed using the “rreg” command in STATA.

Figure 23: Comparison of 80% Points when Excluding vs. Including Outliers with High HRD³⁵

Variables	Blue Water	City of New		Lincoln	Texas Eagle	Wolverine
	[1]	Orleans	Illini/Saluki			
80% Point - Outliers Excluded	936	709	432	1073	615	411
80% Point - Outliers Included	882	709	345	1073	540	216

Source: Analysis of Amtrak Data

Notes:

[1]: Outliers defined as months with at least 2,000 HRD/10K (1 observation).

[2]: No outliers.

[3]: Outliers defined as months with at least 2,200 HRD/10K (2 observations).

[4]: No outliers.

[5]: Outliers defined as months with at least 2,900 HRD/10K (1 observation).

[6]: Outliers defined as months with at least 2,400 HRD/10K (1 observation).

67. I have also verified that including all other delays (i.e., non-HRD delays) as an additional independent variable in the regression does not substantially change the regression results for the impact of HRD/10K on All Stations OTP. I have also verified that the 80% Points calculated based on a regression including all other delays are either substantially the same as, or in one case substantially lower than, the 80% Points from the regressions without that additional variable. In my opinion, the best analysis for purposes of the Penalty System is not to include all other delays in the regression.

³⁵ These are only the outliers that appear in the time periods selected for the calculation of the 80% Points for each Amtrak Route after analyzing schedule changes. There were two months on the Wolverine route with at least 2,400 HRD in the A Period, but this period was not used in calculating the Wolverine's 80% Point.

Appendix D: Sensitivity Tests for the Time Period for the 2013 Level of Service

68. Figure 24 shows the Penalty Rates resulting from four alternative assumptions that could define CN's 2013 Level of Service: February to April 2013 inclusive (the current assumption) or February to May, June or July 2013 inclusive (the alternative assumptions), as well as their derivation. A positive percentage in rows [10] through [12] indicates that Penalty Rates would go up if I assumed one of the alternatives instead of February to April.

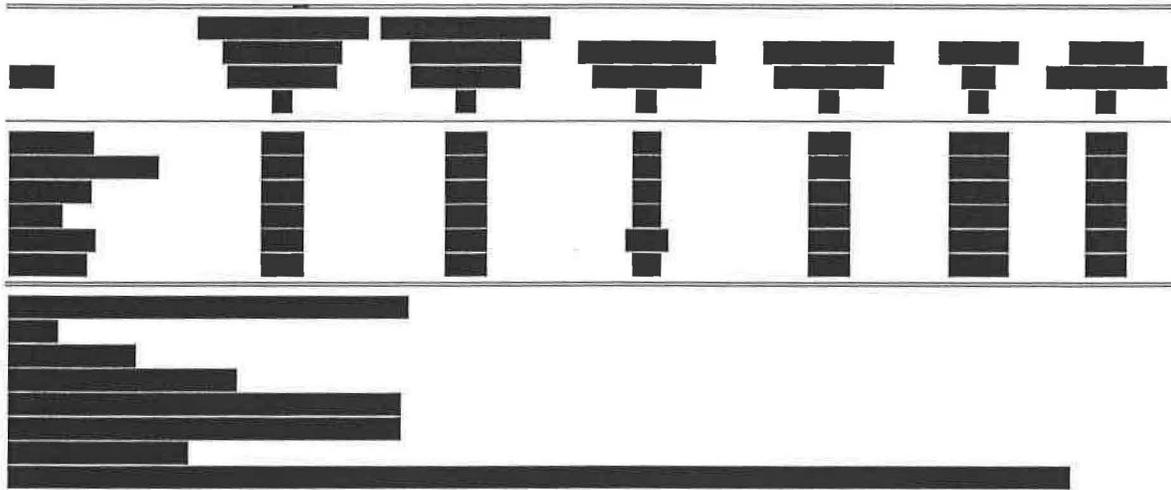
Figure 24: 2013 Service Level Sensitivity Test

69. There is little change on the Blue Water, City of New Orleans or Lincoln routes. The only significant negative change is on the Texas Eagle. Amtrak trains run relatively few miles on CN track on this Route, so the impact of this change on CN's total penalties would be small. Penalties on Illini/Saluki and Wolverine would increase substantially. Both of these Routes have far more CN Train Miles than the Texas Eagle, and the Illini/Saluki accounts for a large fraction of total CN Train Miles, so the impact of this change would be material. Overall, the net effect on CN from switching to the alternative assumptions would be to increase total penalties, so my use of the February–April assumption is conservative.

Appendix E: Derivation of Maximum Penalty Minutes

70. The derivation of the Maximum Penalty Minutes for the Amtrak Routes is illustrated below in Figure 25.

Figure 25: Derivation of Maximum Penalty Minutes



Appendix F: Data Received

71. I received datasets from Amtrak covering the Analysis Timeframe containing the information used in my analysis. I describe each below.
72. The Delay Report Dataset contained information on delays recorded in the eDRs.
73. The Arrival Against Schedule Dataset contained data on the minutes each train was off-schedule at each station on each Amtrak Route (with a negative value indicating early arrival and a positive value indicating late arrival) for each trip of the 24 Amtrak Trains on the Amtrak Routes. This dataset covered the trains and routes shown in Figure 26.

Figure 26: Train Numbers and Amtrak Routes Analyzed

Train Number	Amtrak Route
21	Texas Eagle
22	Texas Eagle
58	City of New Orleans
59	City of New Orleans
300	Lincoln
301	Lincoln
302	Lincoln
303	Lincoln
304	Lincoln
305	Lincoln
306	Lincoln
307	Lincoln
350	Wolverine
351	Wolverine
352	Wolverine
353	Wolverine
354	Wolverine
355	Wolverine
364	Blue Water
365	Blue Water
390	Illini/Saluki
391	Illini/Saluki
392	Illini/Saluki
393	Illini/Saluki

Source: Provided by Amtrak

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74. The Train Miles Dataset contained information on the miles each Amtrak Train traveled on each day during the Analysis Timeframe.
75. Temporary schedule changes and dates of associated track work are listed in Figure 27, Figure 28, and Figure 29. These dates are extracted from “Track Work Advisories” that I received from Amtrak that cover the Amtrak Routes during the Analysis Timeframe.³⁶

³⁶ The dates of the track work can be found in each advisory and the year of the track work can be inferred using the “issue date” at the top of the advisory. There was one advisory for track work on the Blue Water route on July 18-19 in which this was not the case. The issue date on the advisory was in 2010, suggesting that the track work dates were July 18-19, 2010. However, conversations with Amtrak revealed that this advisory was recycled and the issue date was not changed. The actual dates of the track work were July 18-19, 2011.

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Figure 27: Temporary Schedule Changes Due to Track Work on Lincoln and Texas Eagle Routes

Route(s) Affected	Origin Date(s) Affected
Lincoln & Texas Eagle	July 1-8, 2011
Lincoln	July 9, 2011
Texas Eagle	July 15, 2011
Lincoln & Texas Eagle	July 16-24, 2011
Lincoln	July 25, 2011
Texas Eagle	August 20, 2011
Lincoln & Texas Eagle	August 21-23, 2011
Lincoln	August 24, 2011
Texas Eagle	April 15, 2012
Lincoln & Texas Eagle	April 16-24, 2012
Lincoln	April 25, 2012
Texas Eagle	April 30, 2012
Lincoln & Texas Eagle	May 1-9, 2012
Lincoln	May 10, 2012
Texas Eagle	May 15, 2012
Lincoln & Texas Eagle	May 16-24, 2012
Lincoln	May 25, 2012
Texas Eagle	August 15, 2013
Lincoln & Texas Eagle	August 16-23, 2013
Texas Eagle	September 15, 2013
Lincoln & Texas Eagle	September 16-22, 2013
Lincoln	September 23, 2013
Texas Eagle	October 14, 2013 - November 22, 2013
Texas Eagle	October 15, 2013
Lincoln & Texas Eagle	October 16-23, 2013
Lincoln	October 24, 2013
Texas Eagle	April 7-10, 2014
Texas Eagle	April 26-29, 2014
Texas Eagle	May 11-14, 2014
Texas Eagle	May 18-21, 2014
Texas Eagle	May 25-27, 2014
Texas Eagle	July 3, 2014 - September 2, 2014
Lincoln & Texas Eagle	July 20, 2014
Lincoln	July 21, 2014
Texas Eagle	August 3, 2014
Lincoln	August 4, 2014
Lincoln	August 17-19, 2014
Lincoln	September 16-24, 2014
Lincoln	September 30, 2014 - October 10, 2014
Lincoln	October 16-24, 2014
Lincoln & Texas Eagle	November 16-17, 2014
Lincoln	November 18, 2014
Texas Eagle	March 17, 2015
Lincoln & Texas Eagle	March 18-21, 2015
Lincoln & Texas Eagle	April 3-6, 2015
Texas Eagle	April 16, 2015
Lincoln & Texas Eagle	April 17-20, 2015
Texas Eagle	May 16, 2015
Lincoln & Texas Eagle	May 17, 2015
Lincoln & Texas Eagle	June 17-22, 2015

Source: Amtrak Track Work Advisories

Figure 28: Temporary Schedule Changes Due to Track Work on Illini/Saluki Route

Route(s) Affected	Origin Date(s) Affected
Illini/Saluki	September 10-14, 2012
Illini/Saluki	August 12, 2014
Illini/Saluki	December 15, 2014
Illini/Saluki	April 6-15, 2015
Illini/Saluki	April 20-22, 2015

Source: Amtrak Track Work Advisories

Figure 29: Temporary Schedule Changes Due to Track Work on Wolverine and Blue Water Routes

Route(s) Affected	Origin Date(s) Affected
Blue Water	July 18-19, 2011
Wolverine	August 18, 2011
Wolverine	August 22-25, 2011
Wolverine	August 29, 2011 - September 1, 2011
Wolverine	September 6-7, 2011
Wolverine	September 12-15, 2011
Wolverine	December 9, 2011
Wolverine & Blue Water	December 10, 2011
Wolverine & Blue Water	April 16-19, 2012
Wolverine	April 23-26, 2012
Wolverine & Blue Water	April 8, 2013
Wolverine	September 9-12, 2013
Wolverine	September 16-19, 2013
Wolverine	September 23-26, 2013
Wolverine	September 30, 2013 - October 3, 2013
Wolverine	October 7-10, 2013
Wolverine	October 14-17, 2013
Wolverine	October 21-24, 2013
Wolverine	October 28-31, 2013
Wolverine	November 4-7, 2013
Wolverine	November 11-14, 2013
Wolverine	November 18-21, 2013
Wolverine & Blue Water	May 19, 2014 - September 30, 2014
Wolverine	April 11, 2015
Wolverine & Blue Water	April 20, 2015 - October 30, 2015

Source: Amtrak Track Work Advisories

76. The list of permanent schedule changes I was provided are shown in Figure 30.

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Figure 30: Permanent Schedule Changes

Route Affected	Schedule Change Date(s)
Blue Water	September 10, 2012 & March 18, 2013
Illini/Saluki	November 7, 2011 & August 19, 2013
Wolverine	September 10, 2012 & October 14, 2014

Source: Provided by Amtrak

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Appendix G:



7/20/2013

[REDACTED]

7/20/2013

[REDACTED]

AMTRAK PROPOSED AGREEMENT

REDACTED

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2015, I served the foregoing **Opening Statement of the National Railroad Passenger Corporation, the Verified Statement of Paul Vilter, the Verified Statement of Benjamin Sacks, and Amtrak's proposed Operating Agreement** upon Canadian National Railway Company and the other parties on the service list in Finance Docket No. 35743.


Justin J. Marks
Counsel for National Railroad Passenger Corporation