



VIA E-FILING

October 17, 2016

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

Re: STB Docket NOR No. 42141 National Railroad Passenger Corporation –  
Investigation of Substandard Performance of the Capitol Limited

Dear Ms. Brown:

In accordance with the Board's September 14, 2016 decision, enclosed for filing in the above-referenced docket is evidence of the National Railroad Passenger Corporation demonstrating that the on-time performance of its Capitol Limited service has averaged less than 80% for more than two consecutive calendar quarters.

If you have any questions, please let me know.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Justin J. Marks'.

Justin J. Marks  
Attorney for National Railroad Passenger  
Corporation

Enclosures

ATTORNEYS AT LAW

1666 K Street, NW  
Suite 500  
Washington, DC 20006  
T 202.887.1400  
F 202.466.3215

241790

ENTERED  
Office of Proceedings  
October 17, 2016  
Part of  
Public Record

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**Docket No. NOR 42141**

---

**NATIONAL RAILROAD PASSENGER CORPORATION -- INVESTIGATION OF  
SUBSTANDARD PERFORMANCE OF THE CAPITOL LIMITED**

---

**NATIONAL RAILROAD PASSENGER CORPORATION'S  
ON-TIME PERFORMANCE EVIDENCE**

---

Kevin M. Sheys  
Edward J. Fishman  
Justin J. Marks  
Nossaman LLP  
1666 K Street, NW, Suite 500  
Washington, DC 20006  
(202) 887-1400

William H. Herrmann  
Christine E. Lanzon  
Managing Deputy General Counsel  
National Railroad Passenger Corporation  
60 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 906-3971

*Counsel for National Railroad Passenger Corporation*

October 17, 2016

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**Docket No. NOR 42141**

---

**NATIONAL RAILROAD PASSENGER CORPORATION -- INVESTIGATION OF  
SUBSTANDARD PERFORMANCE OF THE CAPITOL LIMITED**

---

**NATIONAL RAILROAD PASSENGER CORPORATION'S  
ON-TIME PERFORMANCE EVIDENCE**

---

Pursuant to the Board's September 14, 2016 order, the National Railroad Passenger Corporation ("Amtrak") hereby submits on-time performance evidence attached as Exhibit A. Exhibit A shows the consecutive calendar quarters which now serve as the basis for Amtrak's complaint, and the train numbers to which Amtrak's complaint applies. The on-time performance evidence is calculated in accordance with 49 C.F.R. Part 1040 and demonstrates that the Capitol Limited service on-time performance has averaged less than 80% for more than two consecutive calendar quarters. 49 U.S.C § 24308(f).

Respectfully submitted,



---

Kevin M. Sheys  
Edward J. Fishman  
Justin J. Marks  
Nossaman LLP  
1666 K Street, NW, Suite 500  
Washington, DC 20006  
(202) 887-1400

/s/William H. Herrmann

---

William H. Herrmann  
Christine E. Lanzon  
Managing Deputy General Counsel  
National Railroad Passenger Corporation  
60 Massachusetts Avenue, NE  
Washington, DC 20002

*Counsel for National Railroad Passenger Corporation*

Dated: October 17, 2016



# Exhibit A

**Exhibit A  
All Stations OTP Evidence Capitol Limited**

		A	B	C	D	E	F	G	H	I
		Departures from Origin Station	Arrivals at all Intermediate Stations	Arrivals at Destination Station	Total (Denominator)	Departures "on time" from Origin Station	Arrivals "on time" at Intermediate Stations	Arrivals "on time" at Destination Station	Total (Numerator)	All Stations OTP
<b>Train 29</b>	2014 Q1	88	1238	89	1415	81	665	22	768	54.3%
	2014 Q2	91	1272	91	1454	88	532	3	623	42.8%
	2014 Q3	90	1274	92	1456	83	461	0	544	37.4%
	2014 Q4	92	1259	86	1437	87	562	17	666	46.3%
	2015 Q1	90	1260	90	1440	85	596	18	699	48.5%
	2015 Q2	91	1274	91	1456	86	530	14	630	43.3%
	2015 Q3	90	1278	92	1460	81	479	14	574	39.3%
	2015 Q4	92	1285	92	1469	90	944	65	1099	74.8%
	2016 Q1	86	1239	90	1415	85	924	66	1075	76.0%
	2016 Q2	88	1253	91	1432	84	701	40	825	57.6%
2016 Q3	92	1287	92	1471	89	582	37	708	48.1%	
<b>Train 30</b>	2014 Q1	88	1237	88	1413	47	283	32	362	25.6%
	2014 Q2	91	1273	91	1455	55	119	11	185	12.7%
	2014 Q3	92	1274	90	1456	33	17	1	51	3.5%
	2014 Q4	86	1254	92	1432	73	272	24	369	25.8%
	2015 Q1	90	1260	90	1440	73	300	29	402	27.9%
	2015 Q2	91	1274	91	1456	75	238	30	268	18.4%
	2015 Q3	91	1262	89	1442	66	243	25	334	23.2%
	2015 Q4	92	1288	92	1472	88	832	70	990	67.3%
	2016 Q1	91	1254	87	1432	89	775	63	927	64.7%
	2016 Q2	91	1263	88	1442	80	451	38	569	39.5%
2016 Q3	92	1288	92	1472	80	495	42	617	41.9%	

In accordance with 49 C.F.R. Part 1040 and the Board's September 14, 2016 order, in addition to providing OTP by train number and calendar quarter, Amtrak is also providing the numerator and the denominator used for calculating the corresponding OTP percentages.

The denominator was calculated by adding:

- Column [A], the total number of actual departures of an Amtrak train from its origin station within the relevant calendar quarter; with
- Column [B], the total number of actual arrivals of an Amtrak train at all intermediate stations along the route within the relevant calendar quarter; with
- Column [C], the total number of actual arrivals of an Amtrak train at its destination station within the relevant calendar quarter.
- The Total for each quarter is the sum of A+B+C and is reflected in column [D].

The numerator was calculated by adding:

- Column [E], the total number of actual departures of an Amtrak train that were on-time from its origin station (i.e., within 15 minutes of scheduled departure) during the relevant calendar quarter;
- Column [F], the total number of actual arrivals of an Amtrak train at all intermediate stations that were on-time (i.e., within 15 minutes of scheduled arrival) during the relevant calendar quarter. At some intermediate stations, during the period shown in Exhibit A, Amtrak published to passengers only the scheduled departure time, and not the separate scheduled arrival time. In such cases, since the scheduled departure time was the only scheduled time seen by passengers, Amtrak measured the actual arrival time against the published scheduled departure time. This has the effect of slightly overstating ASOTP, because the scheduled departure times at the intermediate stations as listed in the public schedules are slightly later than the scheduled arrival times in the schedules Amtrak and the host railroads have agreed to, and thus no host railroads are prejudiced by this measurement.
- Column [G], the total number of actual arrivals of an Amtrak train at the destination station that were on-time (i.e., within 15 minutes of scheduled arrival) during the relevant calendar quarter.
- The Total for each quarter is the sum of E+F+G and is reflected in column [H].

All Stations OTP for each calendar quarter was calculated by dividing column [H] by column [D].

## CERTIFICATE OF SERVICE

I certify that on October 17, 2016, a true copy of the foregoing National Railroad Passenger Corporation's On-Time Performance Evidence, was served via email and first class mail upon the following counsel of record:

James A. Hixon  
John M. Scheib  
Greg E. Summy  
Garrett D. Urban  
Norfolk Southern Railway Company  
Three Commercial Place  
Norfolk, VA 23510  
James.hixon@nscorp.com  
John.scheib@nscorp.com  
Greg.summy@nscorp.com  
Garrett.urban@nscorp.com

Thomas H. Dupree, Jr.  
John Christopher Wood  
Michael K. Murphy  
Gibson, Dunn & Crutcher LLP  
1059 Connecticut Ave., N.W.  
Washington, DC 20036-5306  
TDupree@gibsondunn.com  
mmurphy@gibsondunn.com  
zwood@gibsondunn.com

David L. Meyer  
Morrison & Foerster LLP  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006  
dmeyer@mofo.com

Laura E. Weis  
Champaign County Chamber of Commerce  
303 West Kirby Avenue  
Champaign, IL 61820  
lauraw@champaigncounty.org

Jeffrey O. Moreno  
Thompson Hine LLP  
1919 M Street, Suite 700  
Washington, DC 20036  
Jeff.moreno@thompsonhine.com

Paul R. Hitchcock  
Cindy Craig Johnson  
Sean Craig  
CSX Transportation, Inc.  
500 Water Street, J150  
Jacksonville, FL 32202-4423  
Paul\_hitchcock@csx.com  
Cindy\_craig-johnson@csx.com  
Sean\_craig@csx.com

Charles D. Nottingham  
Charles D. Nottingham PLLC  
1701 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20006  
chipnottingham@verizon.net

Peter J. Shudtz  
CSX Transportation, Inc.  
1331 Pennsylvania Ave., NW  
Suite 560  
Washington, DC 20004  
Peter\_Shudtz@csx.com

*Justin J. Marks*  
Justin J. Marks