



SURFACE TRANSPORTATION BOARD

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STB OPENS INVESTIGATION INTO ON-TIME PERFORMANCE OF AMTRAK'S *SUNSET LIMITED* SERVICE

The Surface Transportation Board today issued a decision opening an investigation into the on-time performance of Amtrak's *Sunset Limited* long-distance passenger train service, which runs between New Orleans, Louisiana, and Los Angeles, California. The proceeding is instituted in response to Amtrak's Complaint and Petition for Board Investigation and Other Relief requesting that the Board investigate the on-time performance of the *Sunset Limited*. Today's decision finds that the standard has been met for initiating an investigation under section 213 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and charts the investigation's course, which will include fact-finding led by the Board through interrogatories and requirements for production of documents, as well as party-led discovery.

Under PRIIA Section 213, and in conformity with the Metrics and Standards for intercity passenger rail service issued by the Federal Railroad Administration in December 2020 (49 C.F.R. Part 273), an intercity passenger rail service that provides on-time arrivals to fewer than 80 percent of its passengers for two consecutive quarters may file a complaint with the Board to initiate an investigation.

Today's decision also explains the framework for this proceeding. At the end of the investigation's first phase, the Board will decide whether delays or failures in on-time performance are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required by law. Subject to the Board's first phase decision, a second phase would then develop the record needed to assess possible damages and any other relief.

"Today's unanimous decision reflects the Board's serious commitment to fulfilling its Congressionally-established duties under PRIIA to adjudicate disputes over passenger rail on-time performance." Chairman Martin J. Oberman noted, "The investigation that we are initiating today is the first of its kind. It involves a significant Board-led component as well as party-led discovery. This framework will ensure that the Board has the information it needs to fulfill its mandate to enforce the preference standards and ensure reliable on-time performance for passenger rail."

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

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