

O'MELVENY & MYERS LLP
CHRIS A. HOLLINGER (S.B. #147637)
chollinger@omm.com
Two Embarcadero Center, 28th Floor
San Francisco, California 94111-3823
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

SURFACE TRANSPORTATION BOARD

COMPLAINT AND PETITION OF THE NATIONAL RAILROAD PASSENGER CORP. UNDER 49 U.S.C. § 24308(f)–FOR SUBSTANDARD PERFORMANCE OF AMTRAK’S SUNSET LIMITED TRAINS 1 AND 2	Docket No. NOR 42175 SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY’S SUPPORTING MATERIALS UNDERLYING ITS JUNE 4, 2024 INTERROGATORY RESPONSES
--	--

PROPOUNDING PARTY: SURFACE TRANSPORTATION BOARD

RESPONDING PARTY: SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

The SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (“Responding Party” or “SCRRA”) hereby provides the following supporting materials underlying its June 4, 2024 interrogatory responses in the above-captioned matter.

PRELIMINARY STATEMENT & GENERAL OBJECTIONS

1. In responding to the Board’s Interrogatories, SCRRA does not waive its right to invoke any and all applicable privileges, doctrines, and protections. To the contrary, SCRRA objects to each of the Board’s Interrogatories if and to the extent they expressly or impliedly purport to call for information protected by such privileges, doctrines or protections, and hereby reserves its right to withhold responsive information on the basis thereof.

2. SCRRA also reserves its right to assert additional objections or to provide supplemental responses if it discovers additional responsive information or grounds for

objection, and to revise, correct, supplement, or clarify any of its responses to the Board's Interrogatories.

3. SCRRA objects to each of the Board's Interrogatories if and to the extent they purport to require SCRRA to provide information beyond what can be obtained through a reasonably diligent search of its records.

4. Amtrak's Complaint/Petition in this matter asserts that "[t]he Sunset Limited concludes its journey on a final 12.6-mile portion of track hosted by SCRRA (also referred to as 'Metrolink'), running from El Monte, California to Los Angeles Union Station." (Complaint ¶ 27.) This assertion is incorrect. SCRRA only hosts the Sunset Limited between Yuma Junction and Los Angeles Union Station. The host between El Monte and Yuma Junction is the Union Pacific Railroad Company. (*Cf.* Complaint ¶ 27 n.22 ("[d]uring this portion of its journey, the Sunset Limited typically spends approximately 11 miles on UP tracks").) In fact, Amtrak and Union Pacific both agree that SCRRA is not the host between El Monte and Yuma Junction and corrected the ownership of the shared track with SCRRA in their written responses to the Board's July 11, 2023 Interrogatories and Document Requests. As Amtrak confirmed, "[b]ased on recent discussions with Southern California Regional Rail Authority ("SCRRA"), Amtrak recently reevaluated the appropriate host railroad for a portion of the route that runs from El Monte to Yuma Junction, in California. During the Relevant Period, delays on that portion of the route were attributed to SCRRA. However, based on its review, Amtrak determined that its trains were contractually designated to operate over UP lines for this portion of the route. Moreover, the *Sunset Limited* has in fact operated over UP lines for this portion of the route. Accordingly, Amtrak will be redesignating UP as the host for this portion of the *Sunset Limited* route. (*See* Amtrak's Response to the Board's Interrogatories and Document Requirements;

Appendix A – Part III at 18 (Sept. 25, 2023). As Union Pacific also confirmed, “[a]lthough the *Sunset Limited* skeleton identifies El Monte as the Union Pacific interchange with SCRRA, Union Pacific actually interchanges the *Sunset Limited* with SCRRA at Yuma Jct., as provided in the Amtrak-Union Pacific Operating Agreement.” (See Union Pacific Railroad Company’s Response to Appendix A, Part IV at 9 (Sept. 25, 2023). Accordingly, in responding to the Board’s Interrogatories, SCRRA only responds with respect to the line segment between Yuma Junction and Los Angeles Union Station.

* * *

The above Preliminary Statement and General Objections are incorporated by reference into each of SCRRA’s below Responses as if stated in full.

**SCRRA’S SUPPORTING MATERIALS UNDERLYING
ITS JUNE 4, 2024 INTERROGATORY RESPONSES**

Pursuant to the Board’s order on May 24, 2024, which states that “Amtrak, UP, BNSF, SCRRA, and CN shall submit to the Board the supporting data, documents, and other materials underlying their narrative explanations discussed in the above ordering paragraphs by August 8, 2024,” SCRRA provides supporting documents underlying its narrative explanations filed with the Board on June 4, 2024.

Each narrative starts with a table identifying the delay in question based on information provided in Part I of the Appendix to the Board’s February 13, 2024 Decision followed by excerpts of SCRRA’s dispatching system screens for the designated delay key.

Disputed Delay Key	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
14462872	1	3/08/2022	XEL	LAX	SC	FTI	21	Routed through yard due to dead freight sitting on MT1. Stopped, cars ahead. Waiting for cars to be moved. UP, Control Point, AL484 Worth
14467574	1	4/24/2022	XEL	LAX	SC	FTI	74	Follow Freight crews Dead on HOS. Relief crew arrived to move trains., wb up, Control Point, alhambra
14470173	1	5/20/2022	XEL	LAX	SC	RTE	21	Line manual or spring switch I'm yard track mt2 restricted speed to switch lined against, Milepost, 484.9, 484.9
14482461	1	9/20/2022	XEL	LAX	SC	DMW	8	Waiting for MW clearance Longmore and McIntyre, Milepost, 494, 484
14482958	1	9/25/2022	XEL	LAX	SC	RTE	8	Routed onto San Gabriel sub due to freight train blocking both main tracks Milepost, 497.1, 1.3

SCRRA's June 4, 2024 Narrative Response for Delay Keys: 14462872, 14467574, 14470173, 14482461, and 14482958:

SCRRA is listed as the responsible railroad ("Host RR") in the Appendix, Part I, "Host-responsible Delays on a Run-by-Run Basis" a total of eight times. However, for five of these delays, SCRRA in fact was not the host-responsible railroad. Appendix, Part I, appears to be

based on data produced by Amtrak,¹ which incorrectly attributes five of these delays to SCRRA. However, as noted above, both Amtrak and Union Pacific have since agreed that the section of the Sunset Limited route between El Monte and Yuma Junction is hosted by Union Pacific, not SCRRA. Accordingly, five of the delay keys at issue (**14462872, 14467574, 14470173, 14482461, and 14482958**) are attributable to Union Pacific because the delays occurred east of CP Yuma Junction and, as a result, SCRRA is not submitting any back-up materials with respect to these items.

* * *

Disputed Delay Key	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
14465989	1	4/08/2022	XEL	LAX	SC	CTI	7	Cross over or go around Metrolink, ML402, Control Point, Mission

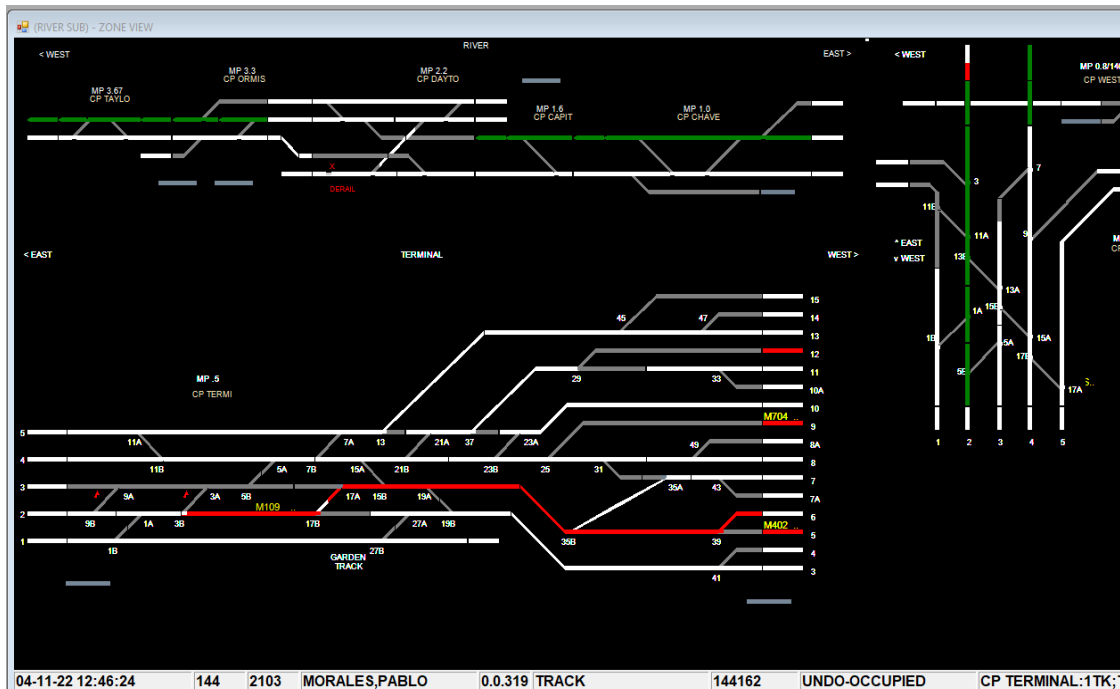
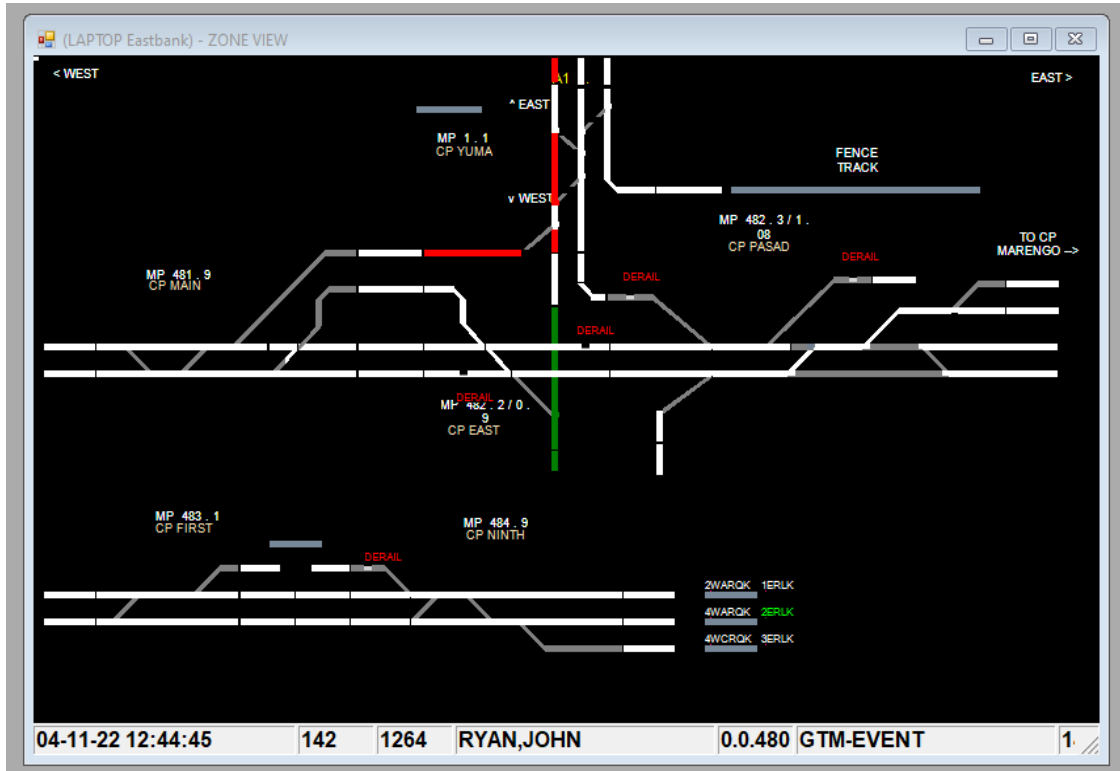
SCRRA’s June 4, 2024 Narrative Response for Delay Key 14465989:

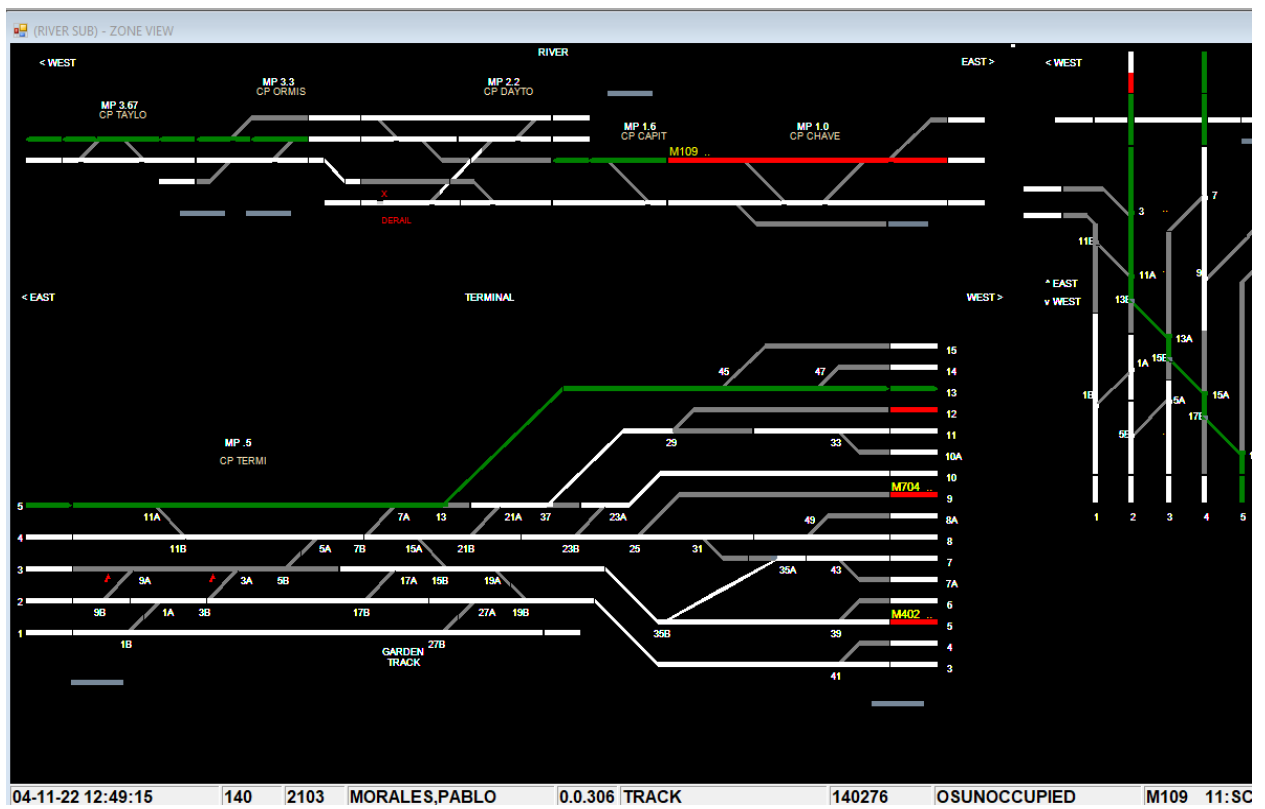
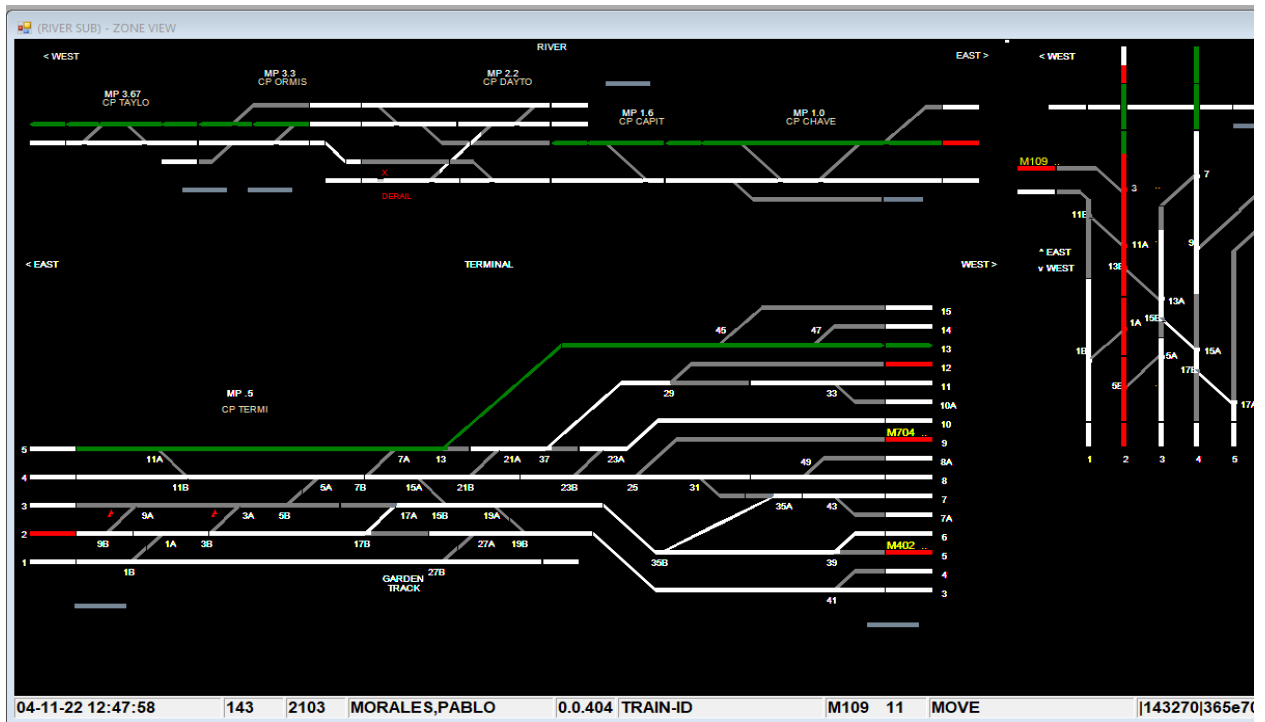
Disputed delay key **14465989** is described as a seven (7) minute delay, listing the delay reason as “cross over or go around Metrolink, ML402, Control Point, Mission.” SCRRA’s records indicate that the actual delay was three (3) minutes, not seven (7) minutes. The reason for the delay was that a Metrolink train (ML109) was operating (on schedule) on the track segment needed by the Sunset Limited. Once the track segment was cleared, the Sunset Limited operated without further delay. It should also be noted that, on the date in question, the Sunset Limited arrived at Metrolink territory (i.e., CP Yuma Junction) approximately eight (8) hours late.

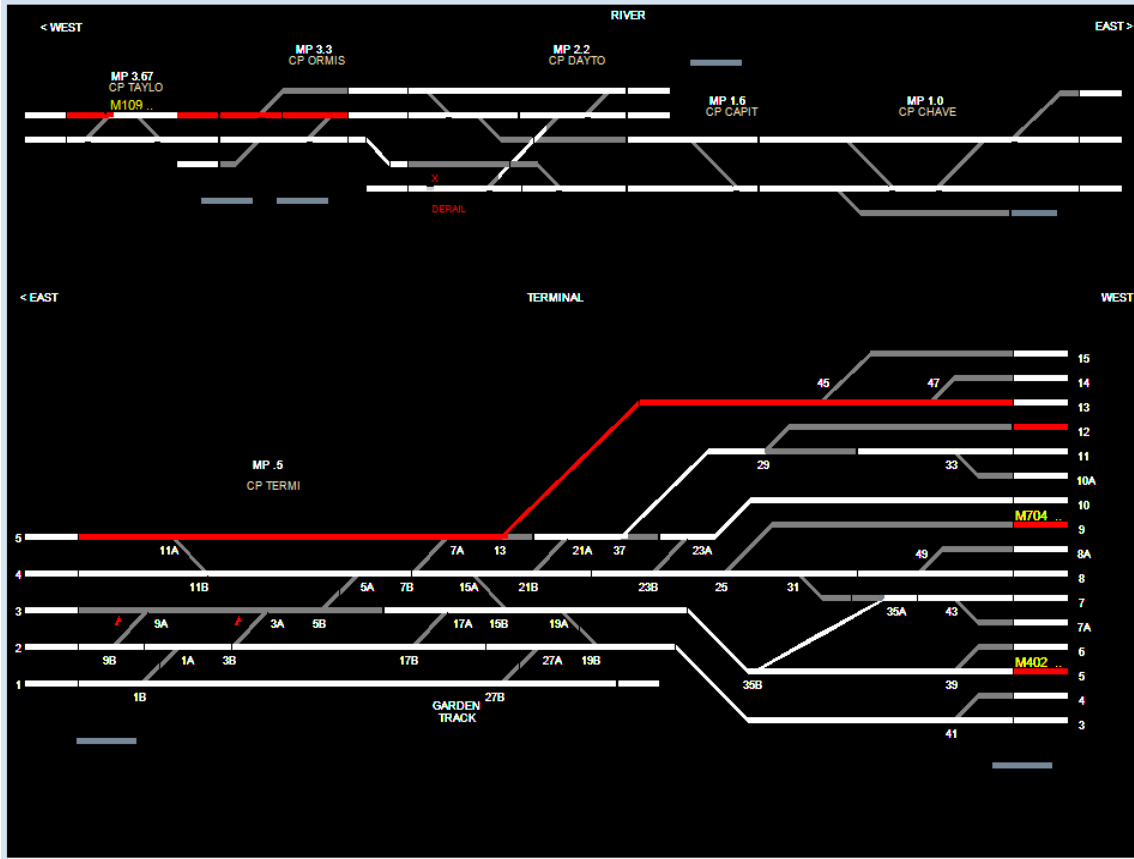
¹ Amtrak Reply, Sept. 25, 2023 (“Public Workpapers” (file name “Amtrak_STB_Native_0002.xlsm,” worksheet “CategorizedDelayDetails_v3M”)).

Supporting Materials Underlying Delay Key 14465989:

Below are excerpts of SCRRRA's dispatching system screens supporting SCRRRA's above narrative response.







04-11-22 12:52:14 140 2103 MORALES,PABLO 0.0.306 GTM-EVENT 140000 M109

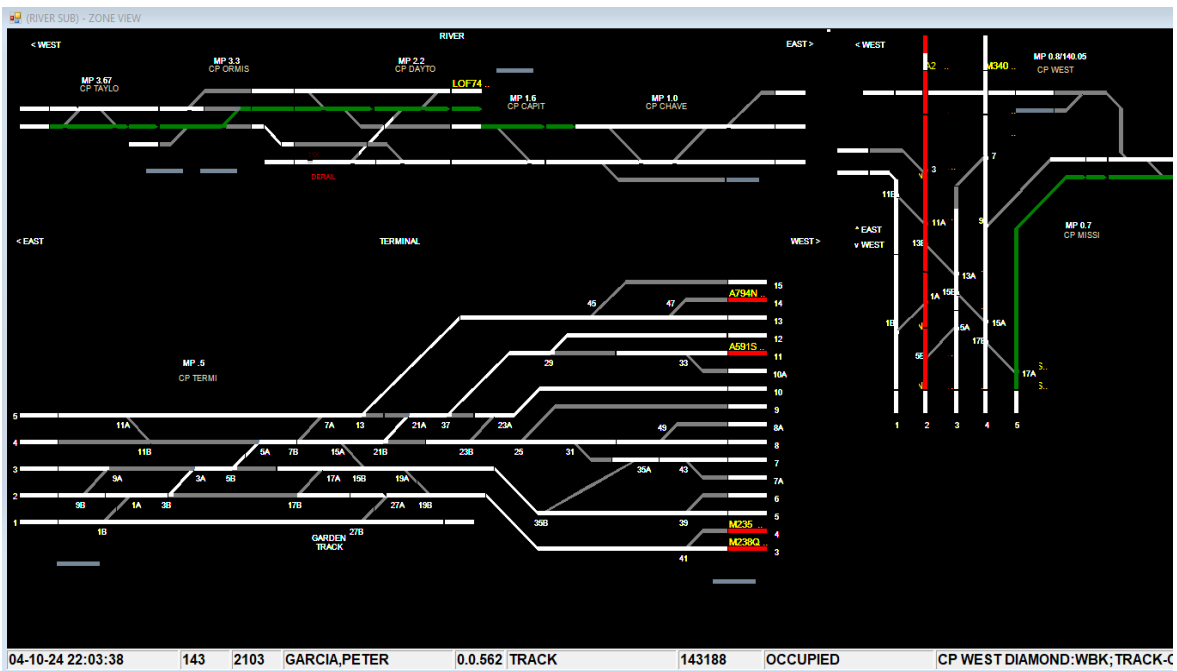
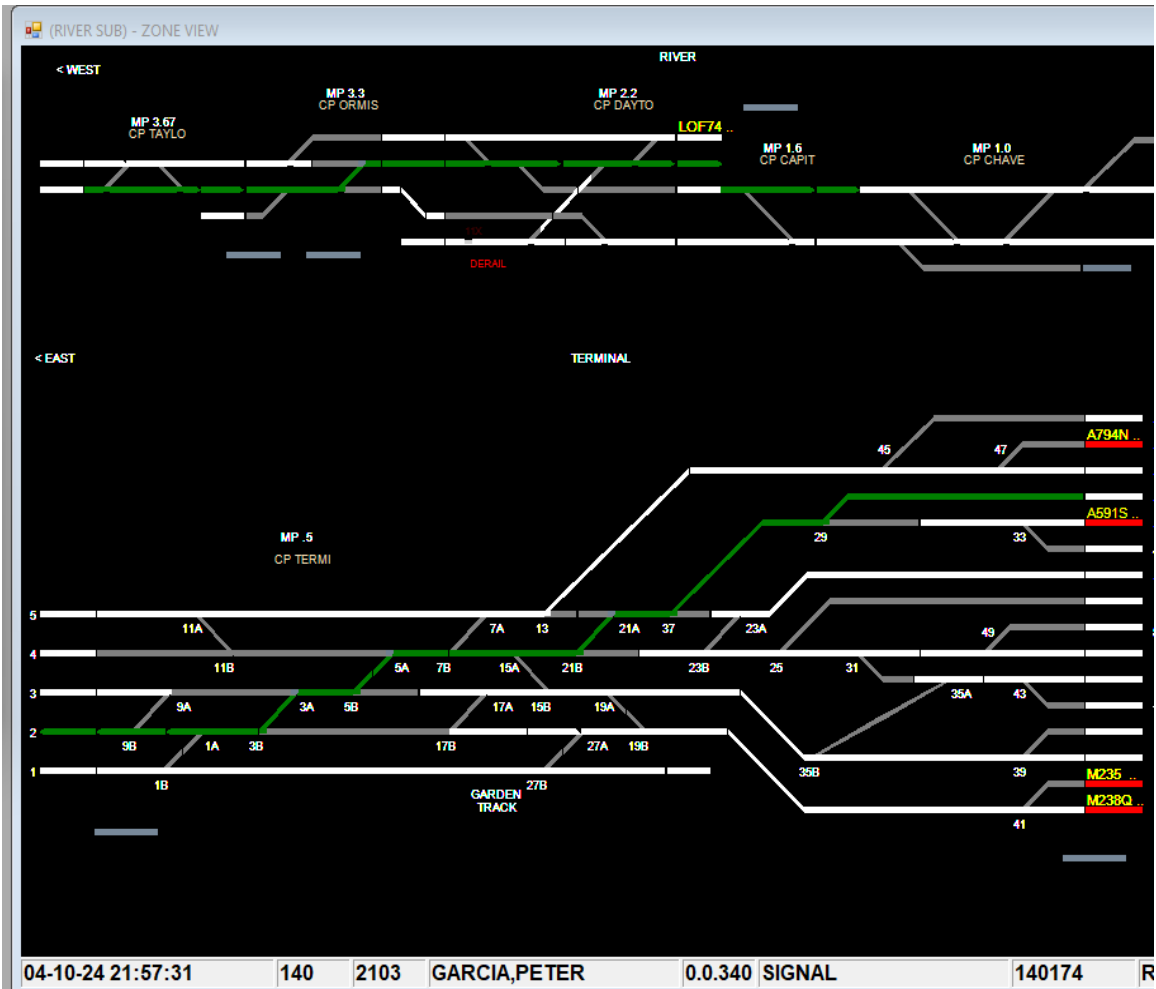
Disputed Delay Key	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
2446610	2	4/10/2022	LAX	XEL	SC	RTE	3	Dispatcher hold Control Point, yuma jct

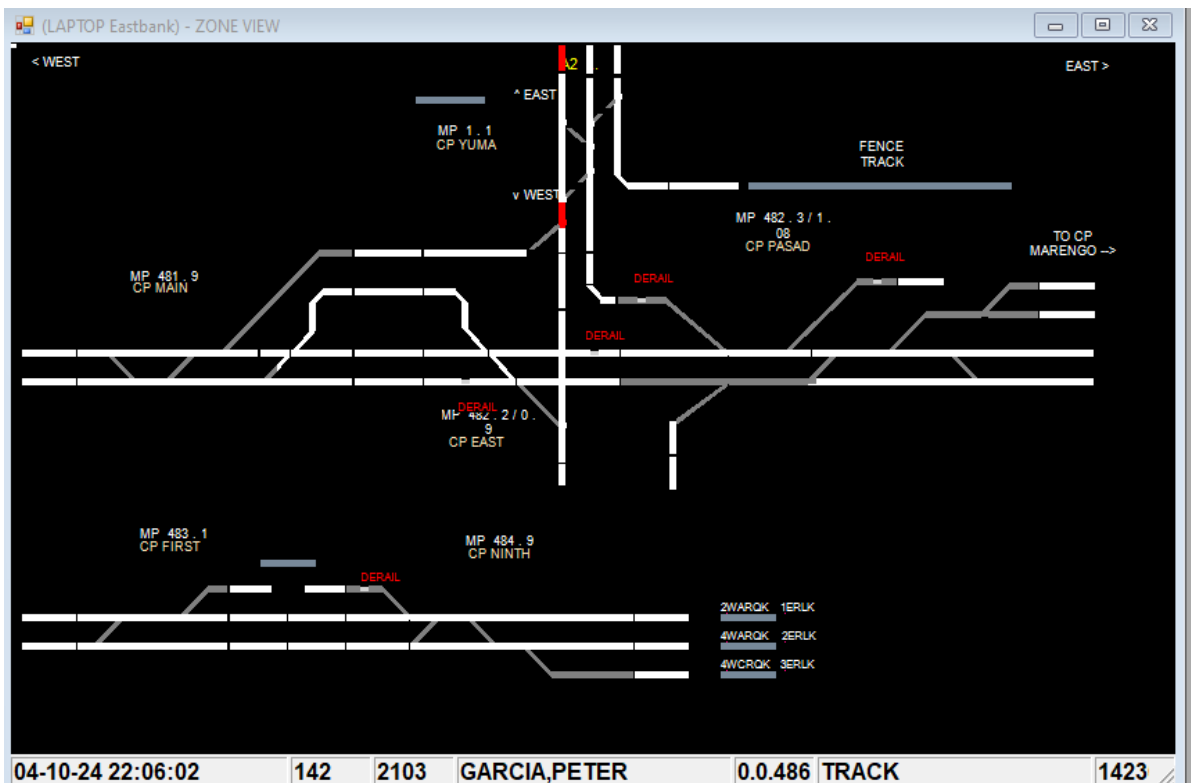
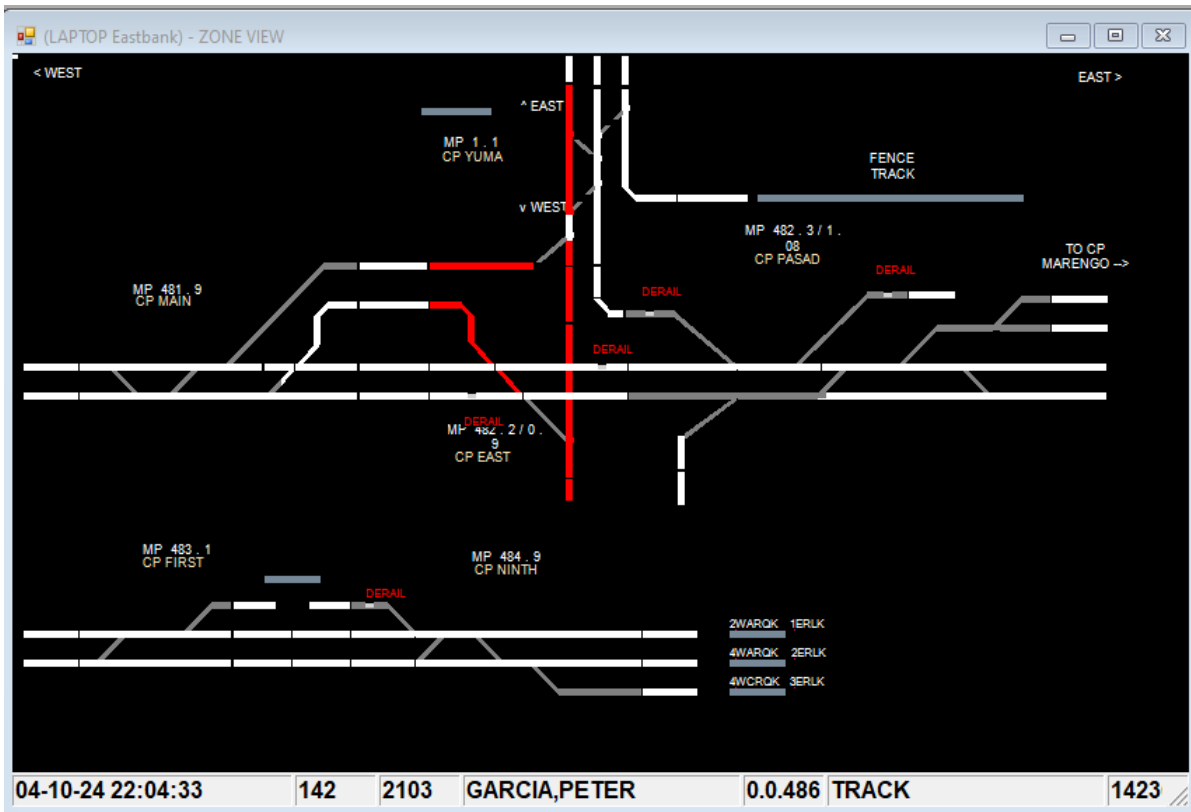
SCRRA’s June 4, 2024 Narrative Response for Delay Key 2446610:

Disputed delay key **2446610** is described as a three (3) minute delay, listing the delay reason as “Dispatcher hold Control Point, yuma jct.” This delay also involved Union Pacific territory east of CP Yuma Junction, where Union Pacific and Metrolink have their “hand-shake.” According to SCRRA’s records, Metrolink cleared the Yuma Junction signal at 21:49 but the Sunset Limited train remained on Union Pacific’s side of the control point and did not actually enter Metrolink territory until 16 minutes later (at 22:05). Once the signal was accepted, the Sunset Limited train took 1 minute and 40 seconds to go through the control point, clearing CP Yuma Junction at 22:06:40.

Supporting Materials Underlying Delay Key 2446610:

Below are excerpts of SCRRA’s dispatching system screens supporting SCRRA’s above narrative response.





Disputed Delay Key	Train	Origin Date	From	To	Host RR	Type	Mins	Delay Reason
2447342	2	6/22/2022	LAX	XEL	SC	DMW	3	10 mph THRU DMW form B, ML 5068 Milepost, 0.4, 0.7

SCRRA’s June 4, 2024 Narrative Response for Delay Key 2447342:

Disputed delay key **2447342** is described as a three (3) minute delay, listing the delay reason as “10 mph THRU DMW form B, ML 5068 Milepost, 0.4, 0.7.” This delay is attributable to SCRRA—but any train passing through an area where maintenance-of-way work is being performed, not just the Sunset Limited, would be slowed down while the track was cleared of equipment/workers in order for trains to pass safely and, if there were more than one train passing through the area in question, each train would have to be cleared individually.

Supporting Materials Underlying Delay Key 2447342:

SCRRA submits a June 22, 2022 audio of the radio recording with timestamps of delay key 2447342 supporting SCRRA’s above narrative response.

Dated: August 6, 2024.

Respectfully submitted,

By: /s/ Chris A. Hollinger

Chris A. Hollinger

Chris A. Hollinger

O’MELVENY & MYERS LLP

*Attorney for Responding Party
SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY*

CERTIFICATE OF SERVICE

I hereby certify that, on August 6, 2024, I caused to be served a true and correct copy of the foregoing document (with attachment) by electronic mail on all counsel and parties of record in this proceeding.

Dated: August 6, 2024.

Respectfully submitted,

By: /s/ Chris A. Hollinger
Chris A. Hollinger

Chris A. Hollinger

O'MELVENY & MYERS LLP

Attorney for Responding Party
SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY