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Office of Proceedings
September 25, 2023
Part of
Public Record

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September 25, 2023

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re:

NOR 42175
National Railroad Passenger Corporation—
Complaint and Petition for Investigation —
Substandard Performance Of Sunset Limited
Trains 1 and 2

Dear Ms. Brown:

Enclosed are the **Responses of the New Orleans Public Belt Railroad Commission for the Port of New Orleans to Appendix Part V** of the Board's July 11, 2023 Order in the captioned proceeding.

Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Yours truly,



Bradon J. Smith
Attorney for the New Orleans Public Belt
Railroad Commission for the Port of New
Orleans

BJS

CC: Parties of Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

NOR 42175

NATIONAL RAILROAD PASSENGER CORPORATION
— COMPLAINT AND PETITION FOR INVESTIGATION —
SUBSTANDARD PERFORMANCE OF *SUNSET LIMITED* TRAINS 1 AND 2

**NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION FOR THE
PORT OF NEW ORLEANS RESPONSES TO APPENDIX PART V
“INTERROGATORIES AND DOCUMENT REQUESTS”
OF THE SURFACE TRANSPORTATION BOARD**

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**ATTORNEYS FOR THE NEW
ORLEANS
PUBLIC BELT RAILROAD
COMMISSION
FOR THE PORT OF NEW ORLEANS**

Dated: September 25, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

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The New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”) responds to the captioned Board inquiries:

INTRODUCTION

The Board has observed NOPB’s “association” to the *Sunset Limited* (“*Sunset*”) is “limited.” *National Railroad Passenger Corp. — Complaint and Petition for Investigation — Substandard Performance of Sunset Limited Trains 1 and 2*, NOR 42175 (STB served July 11, 2023), 15. (“*Sunset Investigation*”). Likewise, the National Railroad Passenger Corporation (Amtrak) did not identify the Commission in any of its 144 numbered paragraphs of allegations and did it serve its complaint on NOPB.

Looking past the procedural prejudice it worked,¹ Amtrak was correct in one way: NOPB is not a host railroad. Host railroad status would mean NOPB is “directly accountable to Amtrak by agreement for Amtrak operations over a railroad line segment.” 49 C.F.R. § 273.3. NOPB has no agreement with Amtrak. As best

¹ The investigation was instituted before NOPB had notice of—and therefore an opportunity to contest—Amtrak’s complaint.

NOPB can tell, Amtrak occupies NOPB's owned and leased track as a subtenant on trackage rights of the former Southern Pacific Company, to which the Union Pacific Railroad Company has succeeded. *See Texas & N.O. R. — Operation*, 189 I.C.C. 184-185, 190 (1932).² (*Texas and New Orleans*). But the Southern Pacific's trackage rights create no "direct accountab[ility] . . . by agreement" of NOPB to Amtrak. Amtrak and NOPB are strangers to one another, as Amtrak implicitly recognized.

Assuming the "limited" "association," NOPB's rail operations have at most (if any) a negligible, indirect, effect on the *Sunset*. According to mile marker measurements, NOPB's potential for interaction with the *Sunset* is on 7.4 miles of the 1,997-mile *Sunset* route. *Compare, Sunset Investigation* at 2 with NOPB July 18, 2023 Response to Appendix A Part II, Appendix.

But even that overstates NOPB's impact. NOPB does not control traffic movements on the track it owns or leases on the *Sunset* route: it dispatches no segment; operates no signals; makes no schedules; and moves no line-haul trains for its own account, save for nighttime service to a single customer (Graham

² This decision gave applicant Texas and New Orleans Railroad Company (controlled by the Southern Pacific Company) 5.4 miles of trackage rights on the Illinois Central from the end of the applicant's ferry terminal to East Bridge Junction [A906.7] and further authorized it to operate on a predecessor NOPB (owned by City commissioners) (City-NOPB) between East Bridge Junction and West Bridge Junction. This authorization is the entirety of the current NOPB's (Port-NOPB) association with the *Sunset*. (For information on City-NOPB asset transfer to Port-NOPB, please see *New Orleans Public Belt Railroad Corporation — Acquisition and Operation Exemption — Public Belt Railroad Commission of the City of New Orleans*, FD 36149 (STB served Dec. 27, 2017) and n. 3, below)). The trackage rights connect at Southport Junction with (one of) the lead tracks the City of New Orleans appears to own lying between mileposts 3.7 and 0.0 into the New Orleans Union Passenger Terminal (NOUPT). *Compare New Orleans Union Passenger Terminal Case*, 267 I.C.C. 763, 783-787 (1948) (*New Orleans Terminal*) with Amtrak September 22, 2023 filing (disclosing unspecified City ownership interests) and Amtrak July 18, 2023 filing (identifying mileposts east of Southport Junction). *See also New Orleans Terminal* at 785 (II)(A)(2) (authorizing Illinois Central to acquire rights on "the tracks of the union passenger terminal from Southport Junction to the new station building.") and *id.* at 783-787 (authorizing various construction, abandonment, and acquisitions necessary to accomplish the project). We are unaware of any change in ownership of the segment into NOUPT since then. *See Illinois Central Railroad Company — Trackage Rights Exemption — The City of New Orleans, LA*, FD 34196 (STB served June 7, 2002). We will continue to update the Board. *See* September 11, 2023 Board Order, ¶4.

Packaging, discussed below). It has no interaction with Amtrak except as mediated by the railroads that do dispatch, control signals, and schedule train movements in this area of the New Orleans terminal.

As a terminal or “belt” railroad NOPB’s primary purpose is to operate shuttle service for interchange to, *and at the behest of*, line-haul Class I freight carriers. NOPB acts at the line-haul carriers’ direction in receiving inbound trains (picking them up intact, by providing operating crews and keeping the locomotive power under run-through agreements) for classification at NOPB’s facilities (or, sometimes, direct delivery to the next carrier). It then delivers the outbound traffic with dedicated consists to carrier-owned yards in the terminal as the line-haul carriers designate and on their schedules. In this limited, interchange-facilitating role and with limited infrastructure, NOPB is not privy to information responsive to the Board’s inquiries (e.g., information related to train speed; dispatch movements; and attempts to avoid Amtrak conflicts). NOPB appreciates the Board anticipating this, and has provided answers where possible. *Sunset Investigation*, 36 at n. 16.

RESPONSES

Delay causes and treatments.

No. 1. Sharing arrangements. Regarding each segment of the Line in which your company shares ownership, operation, dispatching, maintenance, and/or other responsibilities with one or more other railroads, provide a detailed explanation of the division of responsibilities among the carriers during the relevant period.

NOPB Response:

A-908.7 – A-906.5, Illinois Central-owned and controlled, NOPB-leased, segment.

Illinois Central Railroad Company owns this segment; it dispatches it until milepost A-906.85, where Union Pacific assumes that responsibility. NOPB

leases the segment from the Illinois Central and is responsible for maintenance. *New Orleans Public Belt Railroad Corporation — Lease and Operation Exemption — Line of Illinois Central Railroad Company*, FD 36362 (STB served Dec. 13, 2019).³

NOPB provides first/mile last mile weekly local service over this segment to a single industry (Graham Packaging) east of milepost A-908.7. NOPB serves that industry—which is beyond, but reached via, the *Sunset* route—during overnight hours such that it does not interfere with the *Sunset* schedule window. See Complaint, Appendix A. Maintenance is generally performed on this segment on Tuesdays and Thursdays with 14-day notice to the Illinois Central; NOPB avoids scheduling the maintenance during the scheduled *Sunset* arrival on Tuesday.

The *Sunset*'s route here is single-tracked. Though the segment appears double-tracked in some stretches, the southern Illinois Central-owned track is inaccessible from the route into and out of New Orleans Union Passenger Terminal and was historically that of a distinct carrier, the Yazoo and Mississippi Valley Railroad Company. *Texas and New Orleans*, *id.*

A-906.5 = B-J3.1 – B-J8.2: NOPB-owned, UP-controlled, segment (Huey P. Long Bridge).

At milepost A-906.5 (B-J3.1) at East Bridge Junction, the prior segment joins NOPB's double-tracked mainline over the Huey P. Long Bridge. Here, Union Pacific keeps dispatching (originating from milepost A-906.85) until milepost B-J8.2 at West Bridge Junction, the connection with its yard at the eponymous end of bridge. NOPB's interest in this segment (other than whatever fee ownership

³ After the referenced 2019 lease transaction, the Louisiana State Legislature transferred the assets of the New Orleans Public Belt Railroad Corporation, a subsidiary of the Port of New Orleans, to the current NOPB. La. Rev. Stat. 33: § 4535; *New Orleans Public Belt Railroad Commission for the Port of New Orleans – Acquisition and Operation Exemption – New Orleans Public Belt Railroad Corporation*, FD 36419 (STB served Aug. 27, 2020).

interest it has) is limited to physically operating foreign carrier trains with NOPB crews over, and performing maintenance on, the segment. When undertaking maintenance activities (for the bridge, again, almost on Tuesdays and Thursdays, and generally the same for all other maintenance activities off the bridge) NOPB always leaves one track on this double-tracked segment in service. Union Pacific generally keeps NOPB from accessing the track until the *Sunset* is through.

At milepost B-J8.3, it is NOPB's understanding the *Sunset* sometimes uses the BNSF Railway Company connection rather than the Union Pacific connection, but NOPB does not have records of non-NOPB operated train movements at any point along these segments (beginning at milepost A-908.7).

No. 2. Scheduling and Amtrak. When scheduling freight trains, and passenger trains as applicable, what steps are taken to avoid conflicts with the *Sunset Limited*?

NOPB Response: Other than the nighttime, once-weekly local service to Graham Packaging, NOPB does not schedule train movements on the segments. In keeping with its role as a terminal and switching road, NOPB receives entire trains from connecting carriers, classifies the traffic to the appropriate next carrier in the line haul, and then distributes the traffic in trains designated for each carrier. Its arrangements with each Class I carrier in the terminal generally obligate NOPB to pick-up/receive one daily train from each for classification, and to operate one daily train to the same tendering traffic classified for each carrier to that carrier's yard. The scheduling of these train movements is mostly determined by the relevant (tendering or receiving) connecting Class I carrier. NOPB participates in thrice-daily (5:45 am; 2:00 pm; and 10:00 pm) teleconferences where BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company, and Union Pacific manage traffic flow and schedule movements in the terminal. NOPB is not privy to each step these carriers take, and has no ability of

its own, to avoid conflicts with the *Sunset*, though the participants in the teleconferences discuss how to avoid conflicts with Amtrak.

No. 3. Unscheduled trains. Describe your protocols for introducing unscheduled trains onto your rail system.

NOPB Response: NOPB receives requests for unscheduled trains on an ad-hoc basis—generally same-day-of from carriers tendering NOPB cars for distribution to connecting carriers. The thrice-daily teleconferences mentioned above address these trains, and the dispatching railroads supervise movements for trains NOPB operates. NOPB receives the trains tendered as its capacity permits.

Congestion

Nos. 4 and 5: Maps and Passing Sidings

NOPB Response: See Attachment A.

No. 6: Sidings and train length. How many freight trains traveled on portion(s) of the Route you host, own, operate, dispatch, serve, or lease during the Relevant Period, that could not fit into passing sidings that the train traveled past?

NOPB Response: There are no passing sidings on the route Response No. 1 identifies. The so-called “Long Crossover” shown on Attachment A is not and does not connect to any sidings; it is a connecting track between the segment used by the *Sunset* and other trackage not on the *Sunset* route.

No. 7: Amtrak delays and siding length. List each instance during the Relevant Period, where passing siding length (i.e., when a freight train could not fit onto passing siding due to a lack of length) resulted in an Amtrak train being stopped or slowed on portion(s) of the Route that you host, own, operate, dispatch, serve, or lease. Identify the schedule skeleton segment or skeleton-station involved, and the Amtrak train number affected, with date of departure from origin terminal.

NOPB: NOPB does not have responsive information beyond the route portion discussed in Response No. 1, which does not have passing sidings.

No. 8: Passing sidings or double-track removed. Between October 1, 2016, and December 8, 2022, did you remove or shorten any passing sidings or double-track segments on portions of the *Sunset Limited* that you host, own, operate, dispatch, serve, or lease? If so, describe the location of such sidings or double-track segments, the sidings' or double-track segment's original length (and new length, if shortened), and the circumstances leading to their removal.

NOPB : No.

No. 9: Passing sidings blocked or unavailable. Provide a list of each instance during the Relevant Period where a passing siding on a portion of the *Sunset Limited* that you hosted, owned, operated, dispatched, served, and/or leased was unavailable for meeting or passing trains for five consecutive days or longer. This list should clearly identify each passing siding in a way that corresponds with at least one map submitted in response to this Appendix. The list should also include the date range that each passing siding was blocked or otherwise unavailable, and a reason for the unavailability; for example, stored cars causing a blockage, maintenance, or track condition.

NOPB Response: NOPB does not have responsive information.

Please see Response to No. 6.

No. 10: Freight train speeds. For each of your segments where the *Sunset Limited* operates, provide the actual average freight train speed between each successive pair of control points during the Relevant Period. Provide notation of any equalization calculations used with any calculations.

NOPB Response: NOPB does not have responsive information; it does not track freight train speeds.

Improving Service, Quality, and On-time Performance.

No. 11. Plans for improving passenger OTP. Provide a narrative and any relevant documents explaining any measures or plans you have for improving passenger service and on-time performance of Amtrak trains.

NOPB Response: The marginal—if at all extant—effect of NOPB on the *Sunset* is principally managed by other carriers in the terminal who control

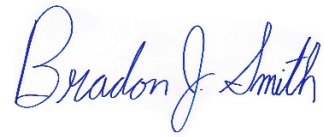
dispatching, traffic density, and traffic inputs (and resultant movements and conflicts) for the relevant portion of the *Sunset* route. On-time performance, of course, is entirely relative to the scheduling established between Amtrak and its host carrier and the underlying assumptions and obligations between the two for the segment. However, NOPB has recently undertaken tie improvement and track resurfacing between mileposts A-908.7 and A-906.5 to increase the allowable speed on the segment to 25 miles per hour, save for the Kansas City Southern Railway Company-maintained diamond at milepost 908.6. The condition of the diamond limits maximum speed to 10 miles per hour.

Preference.

Nos. 12-16. [Text of inquiries omitted.]

NOPB Response: NOPB does not have information responsive to Board Inquiry Nos. 12-16; it does not dispatch any trains

Respectfully submitted,



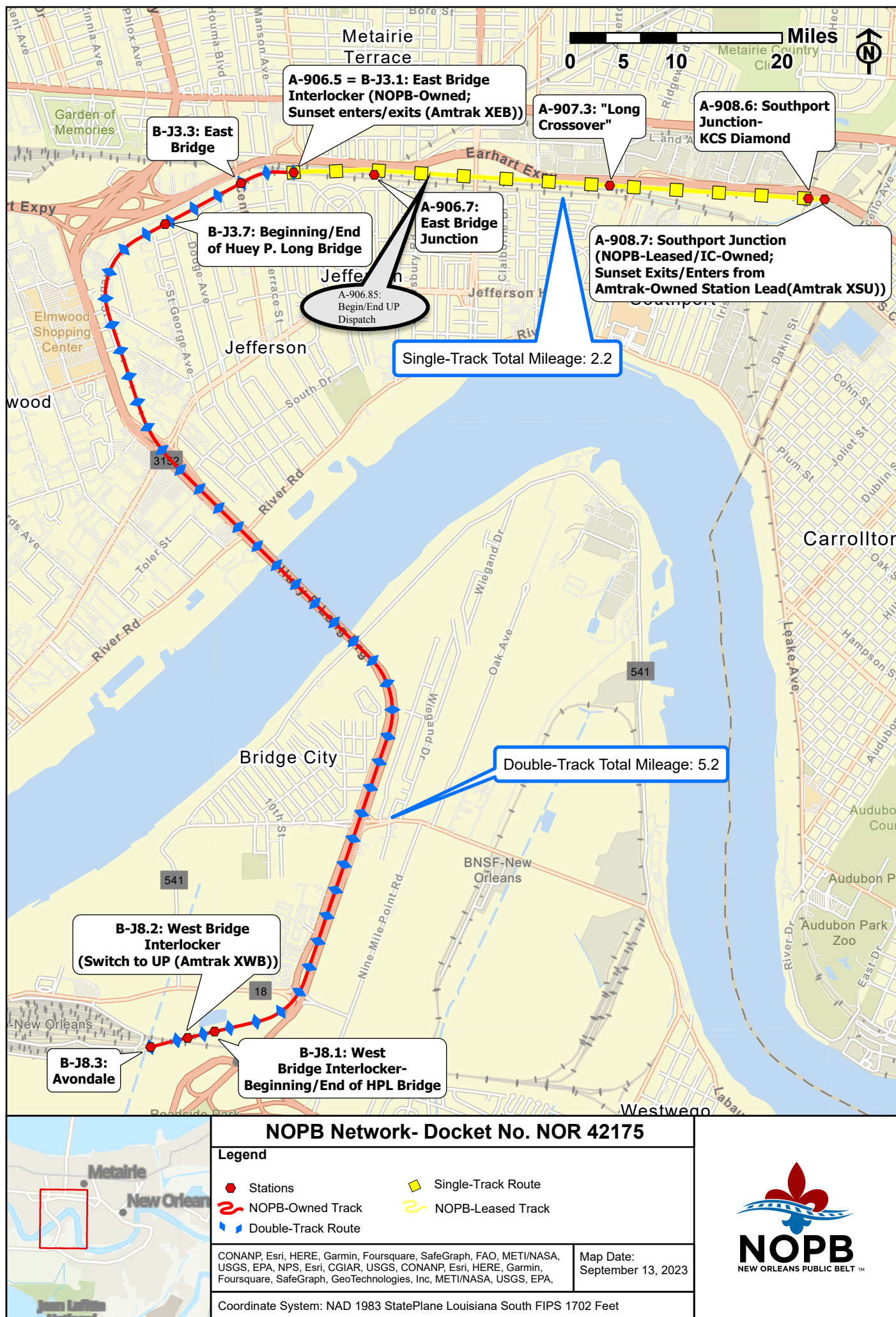
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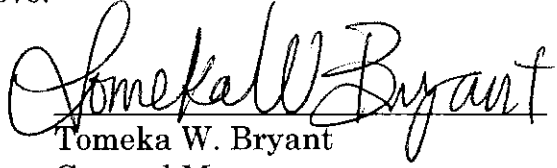
CC: Parties of Record

Dated: September 25, 2023



VERIFICATION

I, Tomeka W. Bryant, verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Further, I certify that I am qualified and authorized to verify the responses above.

A handwritten signature in black ink, reading "Tomeka W. Bryant". The signature is written in a cursive style with a horizontal line drawn across the middle of the name.

Tomeka W. Bryant
General Manager
September 25, 2023