

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

April 15, 2024

308211

VIA ELECTRONIC FILING

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

ENTERED
Office of Proceedings
April 15, 2024
Part of
Public Record

Re: **Docket No. NOR 42175**
National Railroad Passenger Corporation –
Complaint and Petition for Investigation — Substandard
Performance of Sunset Limited Trains No. 1 and 2

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding are the **New Orleans Public Belt Railroad Commission for the Port of New Orleans Responses To February 13, 2024 Questions of the Surface Transportation Board**, dated April 15, 2024.

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

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for New Orleans Public Belt Railroad
Commission for the Port of New Orleans

TJL:tl

Attachment

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
FEBRUARY 13, 2024 QUESTIONS OF THE
SURFACE TRANSPORTATION BOARD**

Audrey E. Lane
Thomas J. Litwiler
Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

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

Dated: April 15, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

NOR 42175

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

**NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS RESPONSES TO
FEBRUARY 13, 2024 QUESTIONS OF THE
SURFACE TRANSPORTATION BOARD**

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”) responds below to the captioned inquiries the Board directed to the “New Orleans Public Belt Rail Corporation.”¹

NOPB notes initially that, prior to its lease beginning on December 30, 2019,² NOPB was not operating east of Long Crossover on the segment of the Illinois Central Railroad Company (“CN”) McComb Subdivision between East Bridge Junction and Southport Junction over which the *Sunset Limited* travels (the “Segment”). Under its lease arrangement, NOPB does not dispatch or monitor train movements on the Segment, and does not keep daily operating bulletins other railroads issue via email to NOPB beyond their effectiveness (generally that day).

¹ See *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) and NOPB’s September 25, 2023 Filing at 4, n.3.

² *New Orleans Public Belt Railroad Corporation — Lease and Operation Exemption — Line of Illinois Central Railroad Company*, FD 36362 (STB served Dec. 13, 2019).

Accordingly, NOPB has incomplete or no information about actual, authorized or targeted speeds on the Segment.

RESPONSES

II. “Host”³-Responsible Delays –Focused Questions: Slow Orders by Subdivision

1. For each week of the Relevant Period provide the total slow order minutes in effect based on the maximum authorized speed for passenger trains.

Response: NOPB does not have records or detailed information regarding slow orders on the Segment during the Relevant Period, or information regarding the actual operating speeds of passenger trains on the Segment. During the Relevant Period, NOPB’s lease required it to maintain the Segment to the condition existing at the time of lease commencement, which NOPB did.

2. For each week of the Relevant Period provide the carrier’s target maximum minutes of slow order delay (if such targets existed during the Relevant Period); and

3. Where there are multiple main tracks, show the slow order minutes and targets for each of the main tracks (Main 1, Main 2, etc.) separately from the slow order minutes and targets shown for the single main track territory for each subdivision, on a week- by-week basis.

Response: NOPB does not have targets for maximum minutes of slow order delays on the Segment. NOPB notes that it is not a host railroad for Amtrak, and does not dispatch, monitor or record train movements on the Segment. The Segment utilized by the *Sunset Limited* is single-tracked.

³ The Board has not determined NOPB is a host railroad. Likewise, Amtrak has not identified NOPB as such in its assessment of “Host Responsible Delays.” See February 13, 2024 Decision, Appendix.

**IV. Site and Party Specific Questions –
East Bridge Jct. to Southport Jct.**

1. What was the maximum speed for passenger trains on the CN McComb Subdivision main track between East Bridge Junction and Southport Junction when NOPB began its lease and operation of that segment? See *New Orleans Public Belt R.R.—Lease & Operation Exemption—Line of Ill. Cent. R.R.*, FD 36362 (STB served Dec. 13, 2019)?

Response: At the time that NOPB's lease of the Segment began, the maximum speed for passenger trains on the Segment over the KCS crossing diamond at Southport Junction was 10 mph, and also was 10 mph on a portion of the Segment west of Southport Junction. NOPB understands the maximum speed on the remainder of the Segment was deemed to be 25 mph.⁴

2. What was the maximum speed for passenger trains on the CN McComb Subdivision main track on October 1, 2021, the beginning of the Relevant Period?

Response: NOPB does not have records that definitively establish the maximum speed for passenger trains along the entirety of the Segment as of October 1, 2021, although NOPB is aware that the maximum speed for passenger trains over the KCS crossing diamond at Southport Junction as of that date was 10 mph.

3. Produce a list of the maximum speeds in effect for the segment between East Bridge Junction and Southport Junction for each week of the Relevant Period.

⁴ NOPB has assumed that, in this question and the next two, the Board is seeking the maximum allowed speed for passenger trains on the Segment, as it did in the analogous question posed to CN. See February 13, 2024 Decision at 5, Question No. 1 to CN ("What was the maximum speed *allowed on the Sunset route*. . ."). NOPB is not aware of the *actual* speed of passenger trains on the Segment in any period.

Response: NOPB does not have records or detailed information regarding the maximum speeds in effect on the Segment during each week of the Relevant Period. At no time during the Relevant Period was the maximum speed over the KCS crossing diamond at Southport Junction greater than 10 mph.

4. Provide a report of any speed restrictions on the line segment between East Bridge Junction and Southport Junction during the Relevant Period. This report should include an explanation for all speed restrictions imposed, as well as the specific location(s) and effective date(s) of such restrictions.

Response: NOPB is aware that there were slow orders on the Segment at several times during the Relevant Period, but does not have records or detailed information regarding those slow orders. NOPB understands that CN is providing information regarding slow orders on the Segment during the Relevant Period in its responses to the Board's questions.

After the end of the Relevant Period, NOPB conducted a tie project on the Segment, and all speed restrictions on the Segment of less than 25 mph (except over the KCS crossing diamond at Southport Junction) were lifted on September 23, 2023.

5. Describe the condition of and operating speed over the CPKC (formerly KCS) crossing diamond west of Southport Junction during the Relevant Period through to the present. Has NOPB asked CPKC to maintain this crossing diamond in a way that allows for at least 30-mile-per-hour traffic? If not, are there any plans to improve the crossing diamond?

Response: The condition of the KCS crossing diamond at Southport Junction did not permit operating speeds above 10 mph, and higher track speeds required tie replacement at the diamond. In the period after NOPB's lease of the

Segment commenced at the end of 2019, NOPB did not make requests to KCS regarding maintenance of the Southport Junction diamond.

NOPB understands that, as of the end of February, 2024, CPKC has improved the crossing diamond to permit a theoretical operating speed of 45 mph (not accounting for the curvature or condition of adjoining City-owned track on the *Sunset Limited* route immediately east of the crossing). The speed for passenger trains operating on the Segment over the KCS crossing diamond was increased to 25 mph on March 8, 2024.

6. What was NOPB's target maximum authorized speed for passenger trains between East Bridge Junction and Southport Junction during the Relevant Period? If the target maximum speed has changed since the Relevant Period, state the new speed.

Response: NOPB does not set target maximum authorized speeds for passenger trains on the Segment.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

By: _____

Audrey E. Lane

Thomas J. Litwiler

Bradon J. Smith

Fletcher & Sippel LLC

29 North Wacker Drive

Suite 800

Chicago, Illinois 60606-3208

(312) 252-1500

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

Dated: April 15, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2015, a copy of the foregoing **New Orleans Public Belt Railroad Commission for the Port of New Orleans Responses To February 13, 2024 Questions of the Surface Transportation Board** was served by electronic mail or first class mail, postage prepaid, upon all parties of record in Docket No. NOR 42175.

/s/ Thomas J. Litwiler

Thomas J. Litwiler