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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 RESPONSES TO THE SURFACE TRANSPORTATION BOARD’S 2/13/2024 INTERROGATORIES
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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 responses to the Second Set of Interrogatories propounded by the SURFACE TRANSPORTATION BOARD (“Propounding Party” or “the Board”) on February 13, 2024 in the above-captioned matter as follows:

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. 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). 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.

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

RESPONSES TO INTERROGATORIES (SET TWO)

INTERROGATORY NO. 1:

Host-responsible Delays on a Run-by-Run Basis. This first subset of delays is presented in the Appendix, Part I, “Host-responsible Delays on a Run-by-Run Basis,” first by train number, then chronologically on a run-by-run basis. Each delay entry specifies the railroad that Amtrak identified in its delay data as the responsible railroad (“Host RR”²). For each delay listed, the party listed as the responsible railroad will be ordered to provide an explanation of the root cause(s) of the delay(s). Parties are required either to provide a narrative explanation for each stand-alone delay or cluster of delays, or to group stand-alone delays and/or clusters together where a common root cause or causes will explain the grouped items. Examples of the explanation of root cause(s) of delay(s), may include a detailed explanation of a dispatching decision, the chain of events leading to a particular delay, intervening events, and any other

relevant piece of information that will illustrate the underlying reason for a delay to an Amtrak train.

RESPONSE TO INTERROGATORY NO. 1:

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. Amtrak originally asserted that SCRRA was the host railroad for a portion of the Sunset Limited route between El Monte and Yuma Junction. Both Amtrak and Union Pacific have since agreed that this section of the Sunset Limited route is hosted by Union Pacific, not SCRRA. *See* Amtrak’s Response to the Board’s Interrogatories and Document Requirements; Appendix A – Part III at 18 (Sept. 25, 2023) (“Amtrak recently reevaluated the appropriate host railroad for a portion of the route that runs from El Monte to Yuma Junction...[B]ased 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 also* Union Pacific Railroad Company’s Response to Appendix A, Part IV at 9 (Sept. 25, 2023) (“Although 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.”). Five of the delay keys at issue (**14462872, 14467574, 14470173, 14482461, and 14482958**) are

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

attributable to Union Pacific because the delays occurred east of CP Yuma Junction.

SCRRA provides the following responses for the three additional delays where SCRRA is listed as the “Host RR”:

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.

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.

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.

Dated: June 4, 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 June 4, 2024, I served the foregoing SCRRA's Responses to the Surface Transportation Board's 2/13/2024 Interrogatories, via e-mail, on all counsel and parties of record in this proceeding.

Dated: June 5, 2024.

Respectfully submitted,

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

Chris A. Hollinger

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Attorney for Responding Party
SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY