

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

ENTERED
 Office of Proceedings
 October 10, 2024
 Part of
 Public Record

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 RESPONSE TO THE SURFACE TRANSPORTATION BOARD’S 9/25/2024 ORDER
--	--

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 response to the interrogatories propounded by the SURFACE TRANSPORTATION BOARD (“Propounding Party” or “the Board”) on September 25, 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. SCRRRA objects to each of the Board's Interrogatories if and to the extent they purport to require SCRRRA 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 SCRRRA (also referred to as 'Metrolink'), running from El Monte, California to Los Angeles Union Station." (Complaint ¶ 27.) This assertion is incorrect. SCRRRA 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 SCRRRA is not the host between El Monte and Yuma Junction and corrected the ownership of the shared track with SCRRRA 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 ("SCRRRA"), 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 SCRRRA. 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.

* * *

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

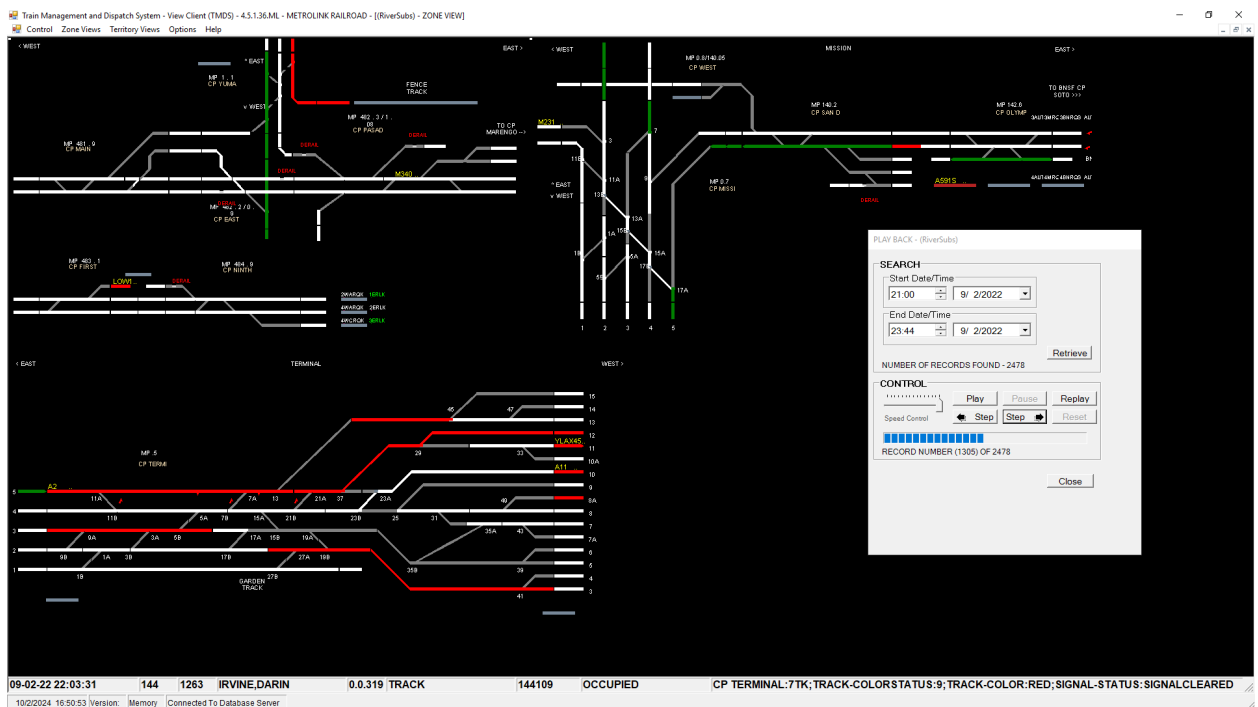
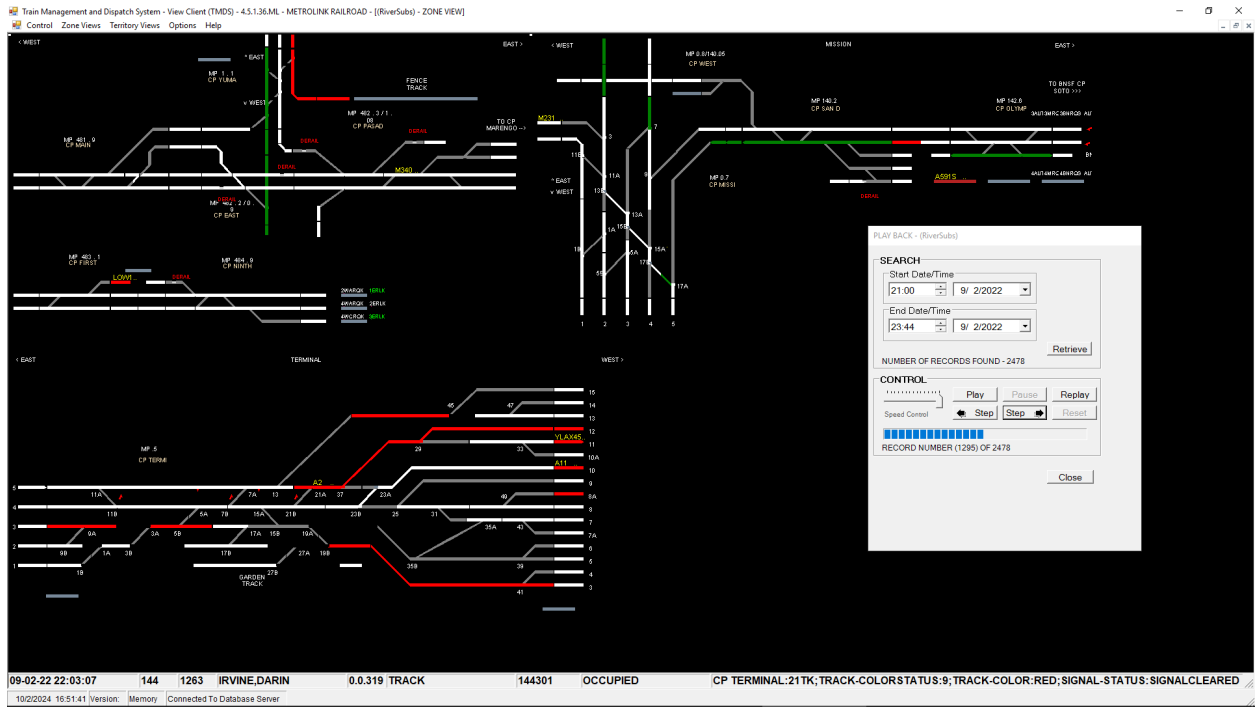
RESPONSE TO INTERROGATORY

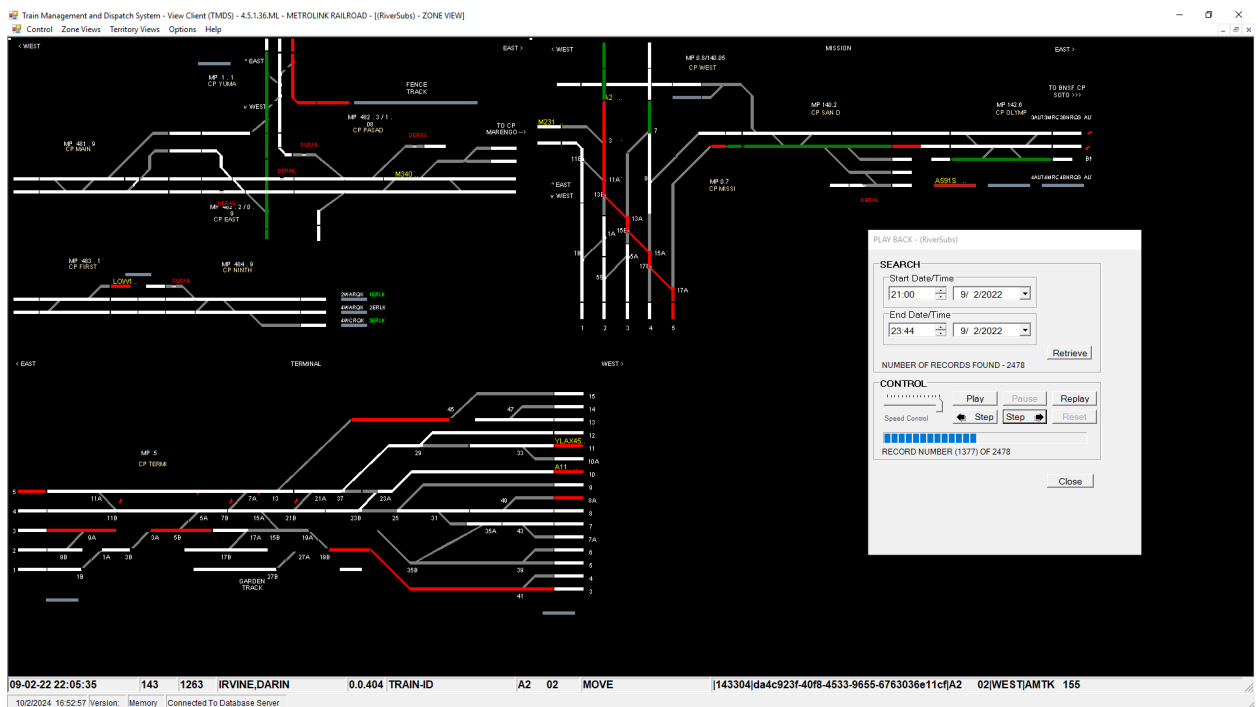
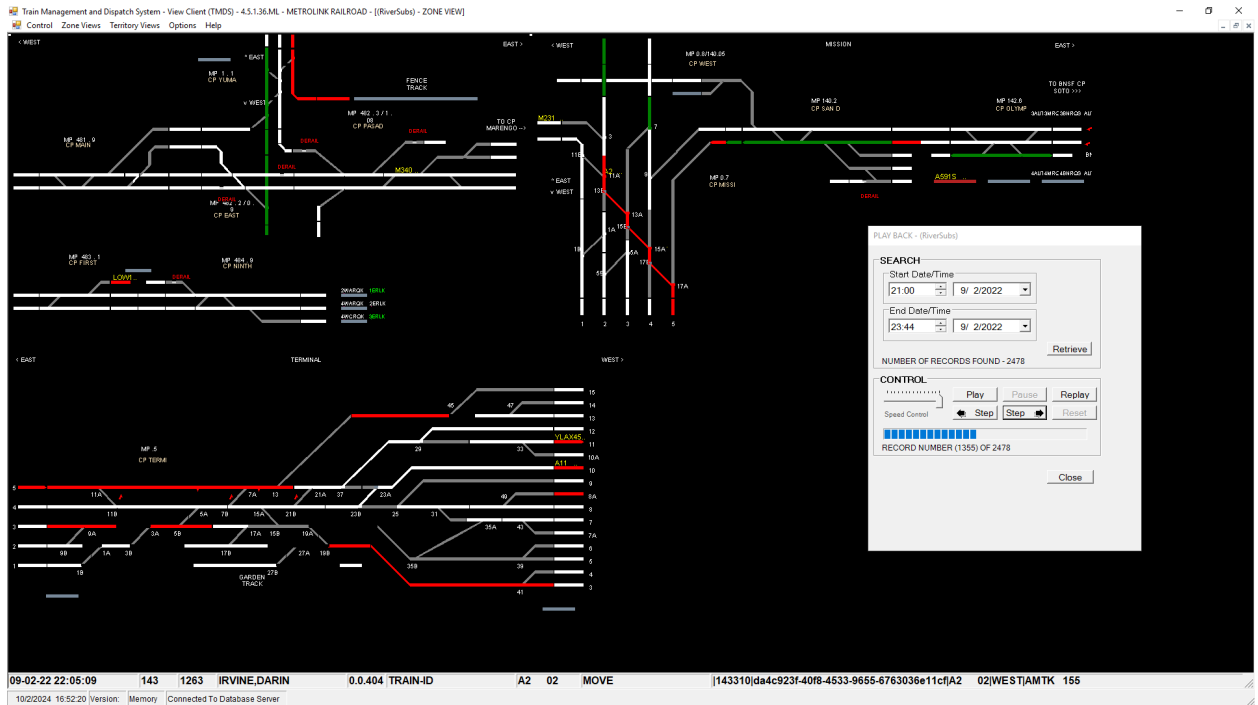
INTERROGATORY NO. 1:

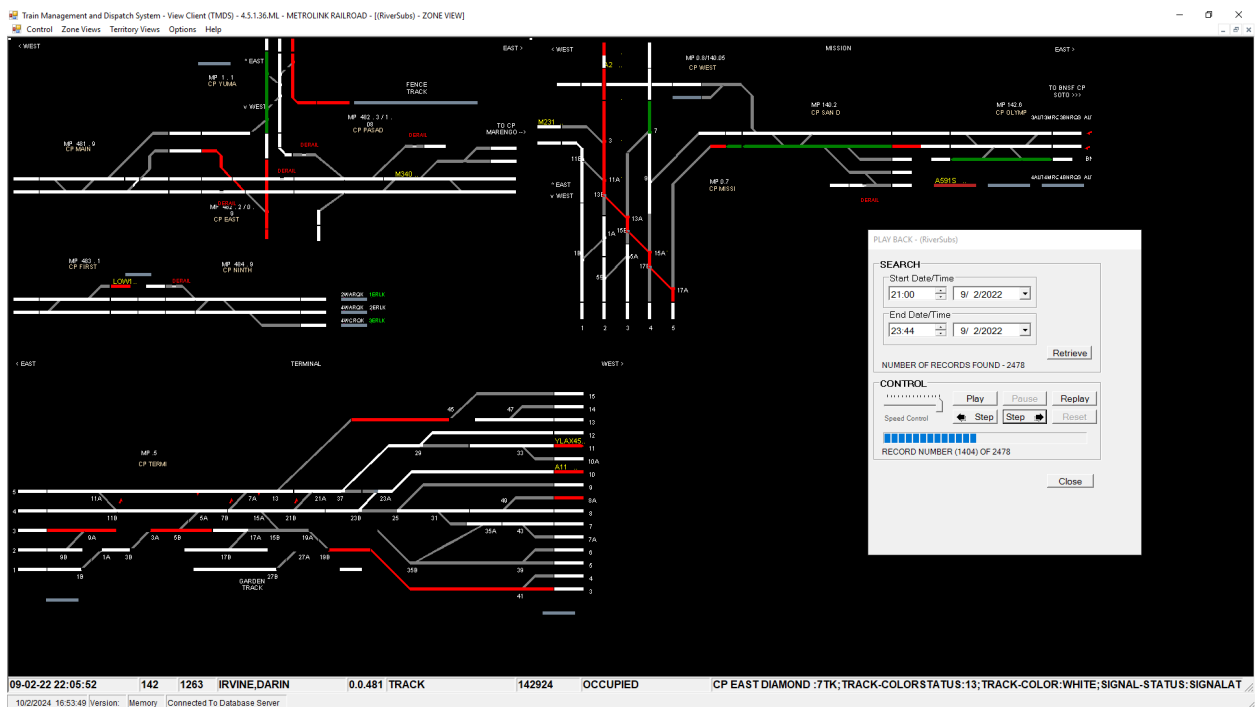
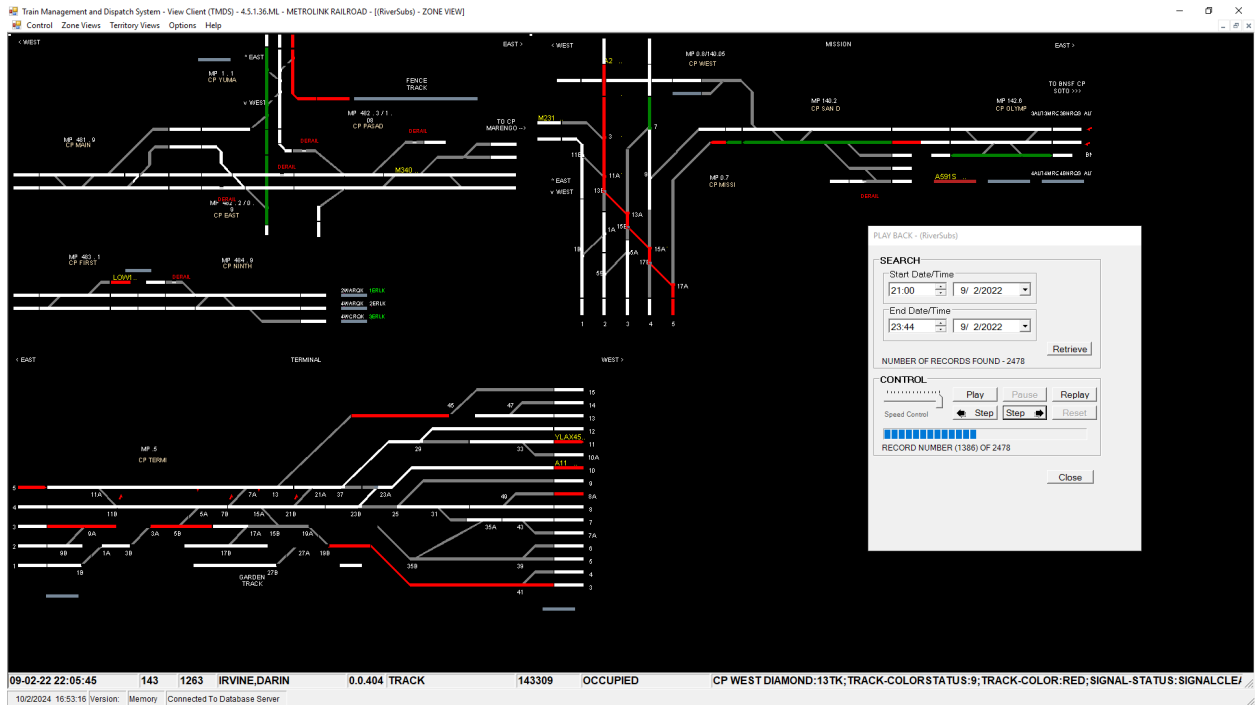
UP and SCRRA shall provide more information about the RTE delay to the Train 2 run that departed Los Angeles at 10:00 p.m. on September 9, 2022 (Amtrak delay key number 2448131), by October 10, 2024.

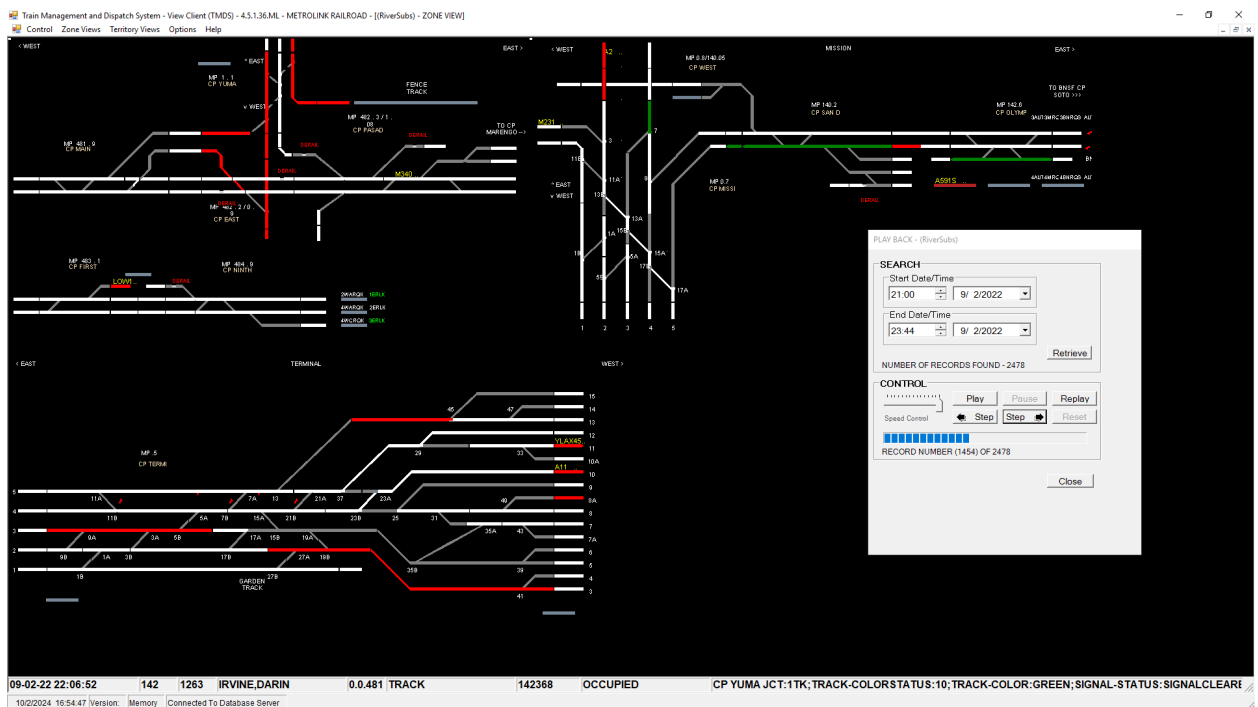
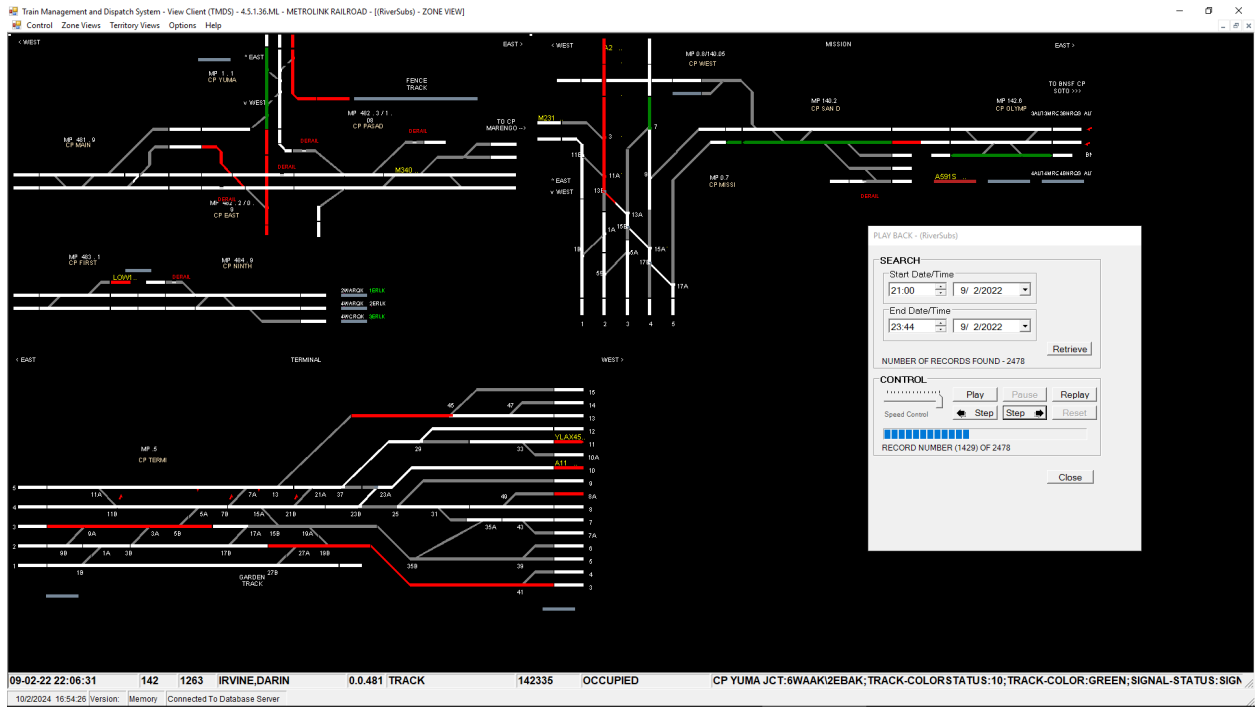
RESPONSE TO INTERROGATORY NO. 1:

The delay in question (Amtrak delay key number 2448131), which was a total delay of 18 minutes, is called out between Los Angeles Union Station (“LAUS”) and El Monte. SCRRA is only responsible for the dispatching of this train between LAUS and Yuma Junction. Therefore, SCRRA is not the only responsible host railroad for this delay key. SCRRA provides the below screenshots, and also files concurrently herewith a document with information from the Form B and a document which captures the times which Amtrak Train 2 (“A2”) showed a track occupancy in those control points (referred to as “TMDS Logged times”).









Dated: October 10, 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 October 10, 2024, I served the foregoing SCRRA's Response to the Surface Transportation Board's 9/25/2024 Interrogatories, via e-mail, on all counsel and parties of record in this proceeding.

Dated: October 10, 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