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 Office of Proceedings
 December 23, 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 AMTRAK’S OPENING STATEMENT
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The SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (“SCRRA”) hereby provides the following response to the Opening Statement filed by the National Railroad Passenger Corp. (“Amtrak”) with the Surface Transportation Board on October 7, 2024 in the above-captioned matter.

On December 8, 2022, Amtrak filed a Complaint and Petition to initiate an investigation by the Surface Transportation Board (the “Board”) into the substandard on-time performance of Amtrak’s Sunset Limited Service, including Sunset Limited Trains 1 and 2. (*See* Amtrak’s Complaint And Petition For Board Investigation And Other Relief (Dec. 8, 2022) (the “Complaint”). On July 9, 2023, the Board found that “the standard necessary to begin an investigation under 49 U.S.C. § 24308(f) [had] been met.” (*See* Surface Transportation Board Decision at 9 (July 9, 2023)).

Amtrak’s Complaint in this matter asserted 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.) However,

as has been conclusively established in this investigation, Amtrak’s assertion was incorrect. In fact, SCRRA is not the host between El Monte and Yuma Junction, and Amtrak corrected the ownership of the shared track with SCRRA in its written response to the Board’s July 11, 2023 Interrogatories and Document Requests, where it stated that “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 Requests; Appendix A – Part III at 18 (Sept. 25, 2023)).¹

Amtrak’s opening statement reflects SCRRA’s miniscule involvement with the *Sunset Limited*. The only mention of SCRRA is the simple acknowledgment that “on the very western end of the route, the relevant parties agree that SCRRA is the appropriate host for the portion of the route between Yuma Junction and Los Angeles (*0.8 miles*).” (See Amtrak’s Opening Statement at 17 (Oct. 7, 2024) (emphasis added)).

After the Board initiated its investigation, Amtrak produced a list of train delays with respect to which the Board directed the parties to provide information for host-responsible delays

¹ Union Pacific has confirmed this point. (See 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.”)).

and provide an explanation for the root causes of those delays. (*See* Surface Transportation Board Decision at 2 (Feb. 13, 2024)). SCRRA was only identified as the host-responsible railroad a total of eight times out of more than 19,000 entries of recorded delays to Sunset Limited trains and, for five of those delays, Amtrak’s data incorrectly attributed the delay to SCRRA due to its original assertion that SCRRA was the host railroad for the portion of the Sunset Limited route between El Monte and Yuma Junction.

Thus, SCRRA’s responsibility for host-responsible delays to the Sunset Limited is virtually non-existent and SCRRA’s role in this matter is negligible. As a result, and because Amtrak does not contend that SCRRA has committed any preference violations, there is nothing in Amtrak’s opening statement which calls for SCRRA’s response. SCRRA therefore, respectfully, takes no position as to the definitions of “host rail carrier” and “preference” set forth in Amtrak’s Opening Statement nor on the Board’s authority to award damages when there has been a preference violation. SCRRA reserves its right to take positions on these questions in future proceedings where its conduct is actually at issue.

Dated: December 23, 2024.

Respectfully submitted,

By: /s/ Chris A. Hollinger
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Attorney for Responding Party
**SOUTHERN CALIFORNIA REGIONAL RAIL
AUTHORITY**

CERTIFICATE OF SERVICE

I hereby certify that, on December 23, 2024, I served the foregoing Southern California Regional Rail Authority's Response To Amtrak's Opening Statement, via e-mail, on all counsel and parties of record in this proceeding.

Dated: December 23, 2024.

Respectfully submitted,

By: /s/ Chris A. Hollinger
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