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ENTERED
Office of Proceedings
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Part of
Public Record

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February 21, 2025

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**

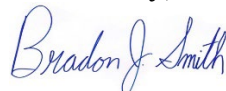
*New Orleans Public Belt Railroad Commission for
the Port of New Orleans Motion for Leave to Make
Rebuttal, Rebuttal to Union Pacific, and Verified
Statement of Claudia Simmons*

Dear Ms. Brown:

Attached for filing for the New Orleans Public Belt Railroad Commission for the Port of New Orleans ("NOPB") is **NOPB's Motion for Leave for Rebuttal, Rebuttal to Union Pacific, and Verified Statement of Claudia Simmons.**

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

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

NOR 42175

NATIONAL RAILROAD PASSENGER CORP. — 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
MOTION FOR LEAVE TO FILE LIMITED REBUTTAL**

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**Attorneys for New Orleans Public Belt
Railroad Commission for the Port of
New Orleans**

Dated: February 21, 2025

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

NOR 42175

NATIONAL RAILROAD PASSENGER CORP. — 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
MOTION FOR LEAVE TO FILE LIMITED REBUTTAL**

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”) seeks leave to submit a brief rebuttal to the December 23, 2024 Reply Statement and Evidence of Union Pacific Railroad Company. In its Reply Statement to the National Railroad Passenger Corporation (“Amtrak”), Union Pacific asserts it is not a host railroad on a stretch of track NOPB owns from West Bridge Junction to East Bridge Junction in New Orleans, including the Huey P. Long Bridge (collectively, “the Bridge”).

Such leave is granted for cases that present “unusual circumstances” and where the submission results in a more complete record. *Conrail Abandonment of a Portion of the West 30th Street Secondary Track in New York, NY*, AB 167 (Sub-No. 493N), 1988 WL 225779 at *2 (ICC served Feb. 11, 1988). The novelty of this proceeding—both in the subject matter and the procedural posture¹—provide good

¹ July 9, 2023 Board Order at 15. Because of that novelty, the Board’s rules for ordinary Subtitle IV proceedings do not apply to this Subtitle V investigation. 49 C.F.R. § 1100.1. In turn, the oft-cited prohibition on “replies to replies” does not govern here. *See* 49 C.F.R. § 1104.13(c). Also unusual was that the procedural schedule did not offer parties

cause for the Board to permit NOPB to supplement the record as to the very limited subject addressed in it concurrently-submitted rebuttal.

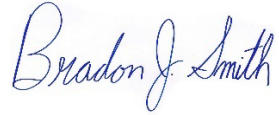
Union Pacific asserts it is not the “host” on the Bridge within the meaning of 49 U.S.C. § 24308. Union Pacific Reply Statement and Evidence, 17 (“Union Pacific is never the host carrier for the portion of the Sunset Limited Route between Southport Jct. and West Bridge Jct.”).² The supplemental information in NOPB’s rebuttal addresses any implication from this assertion that NOPB—as owner of the Bridge—is the host. Given the Board’s interest in defining who a “host” is—for the first time—this information makes the record “more complete” on a novel question of significant import in an unusual proceeding. The Board should give NOPB leave to provide this additional information.

a chance to address relevant assertions or implications from each other. *Cf. National Railroad Passenger Corporation — Petition for Proceeding under 49 U.S.C. § 24308(c)(2)*, FD 36332, slip op. at 4, n.8 (STB served Aug. 17, 2021); *National Railroad Passenger Corporation — Application under 49 U.S.C. § 24308(a)*, FD 35743 (STB served Aug. 9, 2019); *National Railroad Passenger Corporation — Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company*, NOR 42134 (STB served Jan. 2, 2013).

² The Bridge is a part of this segment from West Bridge Junction to East Bridge Junction.

Dated: February 21, 2025

Submitted,



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CERTIFICATE OF SERVICE

I certify that on February 21, 2025 the **New Orleans Public Belt Railroad Commission for the Port of New Orleans Motion for Leave to File Limited Rebuttal** was served according to 49 C.F.R. § 1104.12(a).

