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February 21, 2025
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**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

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

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**Attorneys for New Orleans Public Belt
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New Orleans**

Dated: February 21, 2025

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

New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”) files this rebuttal to address a single matter with respect the Huey P. Long Bridge (the “Bridge”) in New Orleans.¹ NOPB owns and maintains the Bridge, and as relevant here Union Pacific Railroad Company (“Union Pacific”) holds trackage rights and dispatches traffic over the Bridge. The National Railroad Passenger Corporation (“Amtrak”) operates the *Sunset Limited* passenger service over the Bridge. In the context of 49 U.S.C. § 24308 and questions regarding the “host” for Amtrak, Union Pacific has claimed that it is not the “host” of the *Sunset Limited* on the Bridge. Union Pacific Reply at 16. Insofar as Union Pacific’s position implies that NOPB hosts the *Sunset Limited*—that is not the case.

As NOPB has previously explained, the *Sunset Limited* historically operated over the Bridge via trackage rights over NOPB held by Southern Pacific, Union Pacific’s predecessor. *See Texas & N.O. R. et al. — Operation*, 189 I.C.C. 184,

¹ August 19, 2024 Board Decision at 4–5. As used here, The Bridge encompasses the track segment between West Bridge Junction and East Bridge Junction.

185 (1932) (“*Texas & N.O.*”). NOPB Reply, 3. Those trackage rights include an obligation to pay a pro rata share for maintenance expenses NOPB incurs. *Texas & N. O.*, 189 I.C.C. at 189 (detailing what is now known as the “First Bridge Agreement”). The *Sunset Limited* has continued to be operated over the same route since Amtrak’s creation in 1971. In that time NOPB has never had any agreement or arrangement with Amtrak for that operation.

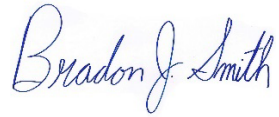
That is because—as Claudia Simmons, NOPB’s Manager of Accounting, explains²—the Amtrak locomotives and passenger cars of the *Sunset Limited* moving over the Bridge are reported to NOPB by Union Pacific, are counted as Union Pacific equipment for purposes of calculating NOPB’s compensation under the First Bridge Agreement, and are paid for by Union Pacific. Simmons V.S. at 2-3. As between Union Pacific and NOPB, Union Pacific’s payments to NOPB indicate that Union Pacific is responsible for Amtrak’s use of the Bridge.

And so neither (1) any implication by Union Pacific, nor (2) any definition offered by the parties, regarding “host” status includes the relationship—or rather the lack thereof—between NOPB and Amtrak. No facts support any conclusion NOPB is a host of the *Sunset Limited* on the Bridge.

² See Verified Statement of Claudia Simmons made in support of this Rebuttal.

Dated: February 21, 2025

Submitted,



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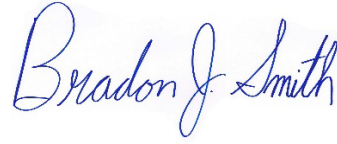
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CERTIFICATE OF SERVICE

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



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**VERIFIED STATEMENT
OF
CLAUDIA SIMMONS, MANAGER OF ACCOUNTING —
NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS**

Submitted: February 21, 2025

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VERIFIED STATEMENT OF CLAUDIA SIMMONS

My name is Claudia Simmons. I am the Manager of Accounting for the New Orleans Public Belt Railroad Commission for the Port of New Orleans (“NOPB”). I have worked in accounting for NOPB or its predecessors for more than 20 years and worked in my current role for 12 years. Amongst other responsibilities my accounting team is responsible for collecting information and producing invoices, including those for services and other access NOPB provides other railroads. As the Manager, I am familiar with the work, processes, and documents this requires.

Every day NOPB receives a “Bridge Report” from Union Pacific Railroad Company regarding rail traffic on the Huey P. Long Bridge (the “Bridge”). (NOPB maintains the Bridge’s railroad infrastructure). Exhibit A to my statement is a typical example from February 2025. The train counts are totaled at the top, with subtotals for each direction that include car and locomotive counts. These reports reflect the consists of Union Pacific, BNSF Railway, NOPB, and Amtrak trains.

At the end of the month, my team takes these figures and enters them into a spreadsheet: the “Equated Car Report.” Exhibit B to my statement includes

an example for January 2025. Each month's Equated Car Report is based on a template with formulas that I understand are based on the so-called "First" and "Second" Bridge contracts that NOPB has with Union Pacific and BNSF, respectively. See Union Pacific Total (and corresponding formula function) in Cell B47 and BNSF Total (and corresponding formula function) in Cell B45.

The formulas in the Equated Car Report generate a weighted total of equipment counts; locomotives have a 2x multiplier, cars are counted 1x. (NOPB consists are excluded from Union Pacific's share). Columns F and G are Amtrak cars and locomotives (respectively); they have been included in the formula function for Union Pacific and thus in Union Pacific's equipment count since I began in my current position.

These weighted equipment totals from the Equated Car Report populate the monthly "Bridge Invoice" worksheet ("Worksheet"). Exhibit C is an example from January 2025. The Equated Car Report figures are found on the 3rd tab—"Bill Summary-UP"—in Column E 34:36. That month's maintenance expense NOPB incurred for the Bridge (which are broken down by accounting in the 6th tab, "Bill Detail") is then allocated on a pro-rata basis among Union Pacific (including the Amtrak trains), BNSF, and NOPB. See Column E 39:41.

Finally, NOPB sends an invoice—taken from the 2nd and 4th tabs of the Worksheet—to each railroad. I inherited this process from my predecessors and have made no changes in the 12 years I have been the Accounting Manager. Attached as Exhibit D are invoices to Union Pacific from October 2021 – December

2022 that included Amtrak's trains and corresponding payment proofs from Union Pacific.

VERIFICATION

I, Claudia Simmons, Accounting Manager for the New Orleans Public Belt Railroad Commission for the Port of New Orleans, verify under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

Dated: February 21, 2025

/s/ Claudia Simmons

Claudia Simmons

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**NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
FOR THE PORT OF NEW ORLEANS
MOTION FOR LEAVE TO REBUT UNION PACIFIC RAILROAD COMPANY’S REPLY
STATEMENT AND EVIDENCE**

EXHIBIT A IS DESIGNATED AS “CONFIDENTIAL”

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EXHIBIT C IS DESIGNATED AS “CONFIDENTIAL”

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EXHIBIT D IS DESIGNATED AS “CONFIDENTIAL”