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Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Alameda Belt Line – Operation Exemption – Board of Harbor Commissioners of the Port of Los Angeles, Board of Harbor Commissioners (Long Beach), Alameda Corridor Transportation Authority, and Union Pacific Railroad Company, FD 36946

Pacific Harbor Line, Inc. ("PHL") submits this brief status update to advise the Board of material developments since its October 15 decision postponing the effective date of Alameda Belt Line's ("ABL") exemption until further order of the Board. Those developments confirm that critical elements of the proposed transition remain unresolved and that the record still does not provide the Board with the information necessary to determine when, or on what terms, the proposed transition can actually occur.

Most significantly, the Board of Harbor Commissioners of the Port of Long Beach ("POLB") has removed approval of ABL's Port Rail Operator Agreement from its agenda, with no indication when the agreement will again be presented for approval. That matters because ABL previously told the Board that POLB planned to consider the agreement on October 26, with final ratification scheduled for November 9, and represented that necessary contractual approvals were "actively progressing" according to a defined timetable.

This development goes directly to an issue PHL identified at the outset: whether ABL has provided the "details about when an agreement will be reached" required by 49 C.F.R. § 1150.43(c). PHL previously explained that important governing agreements and governmental approvals remained unresolved. POLB's removal of the agreement from its agenda shows that this is no longer simply a question about the adequacy of ABL's filing. ABL has not demonstrated that it has an effective POLB agreement authorizing the proposed operations, and the timetable ABL presented to the Board for obtaining that agreement has not been met.

ABL nevertheless did not disclose this material development in its October 28 letter to the Board. Two days after POLB removed the agreement from its agenda, ABL instead told the

Board that it "remains steadfast" in its commitment to execute a phased transition beginning on December 3, 2026, and concluding on January 1, 2027, and urged the Board to permit the exemption to become effective based upon the asserted urgency of those dates. Whatever the ultimate significance of POLB's action, ABL should have disclosed it before asking the Board to act on the asserted certainty and urgency of that same transition schedule.

A second significant development confirms the point: transition meetings among the parties resumed on October 28. PHL returned to those meetings based in part on POLB's written commitment that PHL's outstanding written questions would be answered if PHL returned to the table. PHL did so. Yet critical transition questions remain unanswered following that meeting. Rather than alleviating PHL's concerns, the resumed process—the very process ABL previously told the Board would address these issues—has instead reinforced them. The information provided to date does not demonstrate that there is yet a sufficiently developed plan addressing the agreements, operational arrangements, and other details necessary to accomplish the proposed transition on the schedule ABL continues to represent to the Board.

That development is particularly significant because ABL itself has repeatedly stated that the transition meetings are the appropriate forum for resolving PHL's unanswered questions. In its October 26 filing, ABL criticized PHL because "PHL withdrew from the parties' bi-weekly meetings," told the Board that ABL and Port officials "stand ready to resume those discussions," and characterized those discussions as "the appropriate mechanism for addressing transitional issues." PHL has now returned to that process. The promised answers, however, have not followed. PHL remains committed to a safe, seamless, and orderly transition—but it cannot help achieve one without answers to the most basic questions about how ABL intends to carry it out.

These developments also place the concerns recently raised by affected shippers in sharper focus. Those shippers have independently questioned whether the transition from PHL to ABL can occur without interruption of rail service. SA Recycling, for example, reports approximately 2,100 cars of recycled metal and 2,250 cars of iron ore in 2026, while WWL Vehicle Services Americas reports approximately 5,205 annual carloads of automobiles. These are not abstract concerns advanced by PHL. They are concerns expressed by customers whose freight will be affected if the proposed transition does not occur as ABL has represented.

ABL's two recent letters do not meaningfully address those shipper concerns. Instead, ABL focuses on itself, the Ports, its connecting-railroad owners (Union Pacific and BNSF), and its desired transition timetable. Its October 28 letter reiterates ABL's commitment to the Ports and its proposed December 3 and January 1 transition dates but says nothing about the concerns affected shippers have now placed directly before the Board.

To PHL's knowledge, ABL has not contacted these shippers to address the concerns they have raised with the Board or provided them with assurances explaining how ABL will maintain their existing service without disruption. Instead, ABL has characterized PHL's efforts to place these matters before the Board as "procedural abuse." The shippers' concerns should not be so casually dismissed.

Those concerns are particularly understandable given the magnitude and complexity of the operations ABL proposes to assume and ABL's limited experience in performing them. As PHL previously explained, ABL's railroad operating experience has principally involved dispatching, rather than the integrated terminal switching operations it now proposes to undertake at the Ports of Los Angeles and Long Beach. That does not establish that ABL cannot successfully assume these operations. It does mean, however, that the shippers whose service is at stake are entitled to ask how ABL proposes to do so without disruption, and the Board is entitled to receive concrete answers before allowing the exemption to become effective.

Nor are the foregoing developments an improper "reply to a reply," as ABL suggests. PHL's recent submissions advise the Board of developments arising after the Board's October 15 decision that bears directly on matters the Board is presently considering. The Board expressly stated that it was postponing the exemption "[t]o allow the Board sufficient time to consider the issues raised in PHL's request and ABL's reply." The subsequently submitted shipper concerns, POLB's removal of the agreement from its agenda, and the results of the resumed transition meeting are part of that continuing review. PHL's submissions do not reargue ABL's October 13 filing.

There is, moreover, no need for the parties to devote further filings to that procedural disagreement. ABL itself has identified the appropriate way forward. In its October 28 letter, ABL informed the Board that it "will not . . . substantively respond[] to this or any future unsolicited filings unless expressly directed by the Board to do so." PHL therefore respectfully requests that the Board expressly direct ABL to provide a status report addressing these matters.

Specifically, PHL suggests that the Board and the public would be fully informed if the Board directed ABL to file a status report addressing the following:

1. Identifying the current status of its operating and related agreements with POLB, the Alameda Corridor Transportation Authority ("ACTA"), and Union Pacific Railroad Company ("UP"), including whether each agreement has been executed, what approvals or conditions remain outstanding, and the anticipated date on which each agreement will become effective, and stating whether the Los Angeles City Council has ratified ABL's agreement with the Port of Los Angeles ("POLA"), which ABL told the Board it anticipated "by the end of this month" (ABL Reply at 12);
2. Explaining the circumstances surrounding POLB's removal of the Port Rail Operator Agreement from its agenda and stating when ABL now expects that agreement to be presented for approval and executed;
3. Identifying the status of ABL's transition plan, including whether, in light of these developments, ABL continues to anticipate commencing the transition on December 3, 2026, and completing it on January 1, 2027;
4. Providing substantive responses to the outstanding written operational questions that POLB committed would be answered through the resumed transition-meeting process but that remain unanswered; and

5. Explaining how ABL proposes to maintain uninterrupted service to the affected shippers during the transition.

Seeking such information is not a request to "bog down agency deliberation," as ABL contends. Nor is PHL asking the Board to supervise the minutiae of the parties' transition planning. The Board postponed the effective date of the exemption to give itself time to consider the issues before it. Since then, a significant anticipated POLB approval has not occurred; the timetable ABL placed before the Board for securing that approval has not been met; the transition meetings have resumed without producing the promised answers to PHL's outstanding questions; and affected shippers have independently raised concerns regarding continuity of their rail service. Those are precisely the kinds of material developments that warrant a current, factual status report from the applicant proposing to undertake the operations.

That information is particularly appropriate here because § 1150.43(c) expressly contemplates disclosure of "details about when an agreement will be reached" where the relevant agreement has not yet been reached. The intervening POLB development demonstrates why current information concerning those agreements is necessary before the exemption becomes effective.

PHL therefore respectfully requests that the Board maintain the postponement of the exemption's effective date, direct ABL to provide a status report addressing the issues identified above and require appropriate supplemental status reports thereafter. That limited relief will provide the Board and the shipping public with current information concerning whether the agreements necessary for the proposed operations will actually be in place, when they will be in place, and whether ABL has a sufficiently developed plan to accomplish the proposed transition without disruption to rail service.

Respectfully submitted,

/s/ William A. Mullins

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cc: Parties of Record