

December 19, 2019

VIA EMAIL

Mr. David Navecky
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423-0001

Re: Finance Docket No. 36312 – Oakland Global Rail Enterprise – Authority to Operate a Rail Line in Oakland, California – Responses to Information Request No. 4

Dear Mr. Navecky,

I am writing in response to your request for information and clarification regarding Oakland Global Rail Enterprise's proposal to operate a rail line in Oakland, California. Please find attached, Oakland Global Rail Enterprise's Response to Information Request No. 4, dated December 12, 2019. Please do not hesitate to contact me if you have any questions.

Sincerely,



Kathryn Kusske Floyd

cc: Victoria Rutson
Kevin Starner
Danielle Gosselin
Skyler Sanders
Jennifer Lee

Attachment: Oakland Global Rail Enterprise Response to OEA's December 12, 2019 Information Request No. 4

**Oakland Global Rail Enterprise Response to
OEA's December 12, 2019 Information Request No. 4
FD 36312
December 19, 2019**

OEA Request 1: In Oakland Global Rail Enterprise's (OGRE) response to OEA's Information Request No. 1 - specifically Attachment 2 to OGRE's response - clarify (by segment) which entities own the rehabilitated rail line segments marked in "yellow, pink, green and tan."

Response: Ownership of the rehabilitated rail line segments marked on Attachment 2 to OGRE's response is as follows:

- The segments marked in yellow and pink are owned by the City. These areas are leased to OBOT and subleased to OGRE.
- The segments marked in tan and green are owned by the City but controlled by the Port.
- The segment marked in orange with cross-hatching (between the green segment and West Grand Avenue) is owned by Union Pacific.
- The segment marked in orange without cross-hatching is located on land owned by the City but controlled by the Port.

OEA Request 2: In OGRE's response to Information Request No. 1, Item 1, third bullet, OGRE states that it would operate over approximately "6,000 feet of track owned by OGRE." Please clarify the location of this track. Is it track within the yellow zone shown in Attachment 2 of OGRE's response? If not, is this track separate from the 22,022 [sic] feet of track cited in OGRE's response to Information Request No. 1, Item 1, first bullet?

Response: The 6,000 feet of track owned by OGRE is located within the orange zone shown on Attachment 2 of OGRE's response and is separate from the 22,202 feet of track included in the yellow, pink, green and tan areas on Attachment 2.

OEA Request 3: In OGRE's response to Information Request No. 1, Item 1, fifth bullet, OGRE states that it would operate over approximately "1,000 feet of existing track owned" by BNSF Railway Company (BNSF) and cites Attachment 3 of its response. However, Attachment 3 labels the subject track as "BNSF easement." Please clarify whether the subject track is owned by BNSF, or the track is owned by another party and BNSF retains an operating easement. If owned by another party, please identify the party. Additionally, please clarify whether this BNSF track is separate from the 22,022 [sic] feet of rehabilitated track discussed in the first bullet of OGRE's response to Information Request No. 1, Item 1.

Response: The land shown in yellow in Attachment 3 to OGRE's response to Information Request No.1 is owned by the City. BNSF maintains an easement over this area. OBOT is obligated through its lease with the City to install the track in this area, which obligation has been delegated to OGRE through the sublease. This BNSF track is not separate from the 22,202 feet of track discussed in the first bullet of OGRE's response to Information Request No. 1, Item 1.

OEA Request 4: In OGRE's response to Information Request No. 1, Item 1, sixth bullet, OGRE states that it would operate over approximately "4,525 feet of existing "on docks" track in the West Gateway area." Please clarify the location of this track. Is it depicted by the lavender color area shown in OGRE's response to Information Request No. 1, Attachment 2 (in contrast to the "dark purple" tracks owned by Port of Oakland) and adjacent to Wharfs 5, 6, 7 and 8?¹

Response: The approximately 4,525 feet of existing "on docks" track in the West Gateway area is depicted by the lavender color area shown on Attachment 2 to OGRE's response to Information Request No. 1.

OEA Request 5: In OGRE's response to OEA's Information Request No. 1 - specifically Attachment 2 – provide the project-related definition of the labels "exclusive" and "non-exclusive" in the West Gateway area.

Response: In OGRE's response to OEA's Information Request No. 1, specifically Attachment 2, the "exclusive" label refers to areas of track over which *only* OGRE would operate. The "non-exclusive" label refers to areas of track over which both OGRE/OBOT and others (including BNSF, Union Pacific, and any additional Port rail operator) may operate.

OEA Request 6: OGRE's response to Information Request No. 2 states that its proposed operations could handle up to three 6,400-foot-long unit trains per day at full capacity, with each unit train being broken down into two 3,200-foot-long trains. Please specify at exactly where in the project area the OGRE trains would be broken down and reassembled?

Response: Unit trains would be broken down and reassembled in the "Port Rail Yard" area, which is marked in light blue on Attachment 2 to OGRE's response to Information Request No. 1.

¹ The "wharf" terminology and designations are from Exhibit 2 of OGRE's Petition for Declaratory Order in Docket No. FD 36168, filed May 23, 2018.