
BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORP.
UNDER 49 U.S.C. § 24308(e) – CSX TRANSPORTATION, INC. AND
NORFOLK SOUTHERN CORPORATION

**AMTRAK’S RESPONSES AND OBJECTIONS
TO NSR’S SECOND DISCOVERY REQUESTS
DIRECTED TO NATIONAL RAILROAD PASSENGER CORP.**

Pursuant to 49 C.F.R. § 1114.21 *et seq.*, National Passenger Railroad Corporation (“Amtrak”) hereby responds to the September 7, 2021 set of discovery requests (“Requests”) directed to it by Norfolk Southern Railway Co. (“NSR”). Amtrak’s responses and objections are part of ongoing discovery, and Amtrak reserves the right to supplement or amend them as appropriate, including in connection with expert discovery.

GENERAL OBJECTIONS

Amtrak incorporates by reference all the General Objections set forth in its August 30, 2021 responses and objections to NSR’s August 13, 2021 First Discovery Requests.

REQUESTS FOR PRODUCTION

Second Request, RFP No. 1

Produce all Documents, Communications, Agreements, Studies, Analyses and Reports that Amtrak relied upon to develop on-time performance (“OTP”) metrics for other Amtrak services, including, but not limited to, the proposed second Amtrak service to be operated between Washington D.C. and Roanoke, VA or the additional service to be operated between Washington, D.C. and Hampton Roads, VA, and that Amtrak might rely upon to develop OTP metrics for the proposed Gulf Coast Service.

Amtrak objects to this Request because it calls for “all Documents,” etc. and thus is vague, overbroad, and unduly burdensome. Amtrak objects to this Request to the extent that it calls for materials irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably NSR’s transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak states that it will produce studies, analyses, or reports regarding OTP that Amtrak might rely upon to develop OTP metrics for the proposed Gulf Coast Service, excepting such studies, analyses, or reports that Amtrak may develop as part of expert discovery or other evidence for this matter; such reports will be provided in due time, consistent with applicable rules.

Second Request, RFP No. 2

Produce all Documents, Communications, Agreements, Studies, Analyses and Reports that Amtrak relied upon to develop anticipated and/or acceptable host responsible delay (HRD) numbers for other Amtrak services, including, but not limited to, the proposed second Amtrak service to be operated between Washington D.C. and Roanoke, VA or the additional service to be operated between Washington, D.C. and Hampton Roads, VA, and that Amtrak might rely upon to develop HRD numbers for the proposed Gulf Coast Service.

Amtrak objects to this Request because it calls for “all Documents,” etc. and thus is vague, overbroad, and unduly burdensome. Amtrak objects to this Request to the extent that it calls for materials irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably NSR’s transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak states that it will produce studies, analyses, or reports that Amtrak might rely upon to develop HRD metrics for the proposed Gulf Coast Service, excepting such studies, analyses, or reports that Amtrak may develop as part of expert discovery or other evidence for this matter; such reports will be provided in due time, consistent with applicable rules.

September 14, 2021

Respectfully submitted:

/s/ Kali N. Bracey

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CERTIFICATE OF SERVICE

I, Kali N. Bracey, certify that I have this day caused a copy of this document to be served upon NSR by email to counsel for NSR at the following email addresses:

WMullins@bakerandmiller.com
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September 14, 2021

/s/ Kali N. Bracey
Kali N. Bracey