

EXPEDITED CONSIDERATION REQUESTED

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

NOTICE REGARDING AMTRAK'S
PENDING REQUEST FOR INTERIM ORDER

Eleanor D. Acheson
Chief Legal Officer, General Counsel
& Corporate Secretary
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001
(202) 906-3971

Jessica Ring Amunson
Kali N. Bracey
Caroline C. Cease
Jenner & Block LLP
1099 New York Ave., NW
Suite 900
Washington, DC 20001
(202) 639-6000
jamunson@jenner.com

*Counsel for National Railroad
Passenger Corporation*

EXPEDITED CONSIDERATION REQUESTED

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

**NOTICE REGARDING AMTRAK'S
PENDING REQUEST FOR INTERIM ORDER**

On March 16, 2021, the National Railroad Passenger Corporation (“Amtrak”) filed an application with the Surface Transportation Board (“the Board”) pursuant to 49 U.S.C. § 24308(e), seeking expedited treatment and requesting that the Board:

- (1) institute a proceeding and establish a procedural schedule for a hearing on the record followed by entry of an order requiring CSX Transportation, Inc. (“CSX”) and Norfolk Southern Corporation (“NS”) to allow Amtrak to provide for the operation of additional intercity passenger trains over the rail lines of CSX and NS between New Orleans, Louisiana, and Mobile, Alabama (the “Gulf Coast Service”), with such service to commence on or about January 1, 2022; and
- (2) during the pendency of the proceeding, issue an interim order requiring CSX and NS to provide Amtrak with access to their rail lines between New Orleans and Mobile in order to perform all necessary preparations for the Gulf Coast Service to commence on or about January 1, 2022.

With respect to Amtrak’s request for an interim order, Amtrak is writing to advise the Board of the current status of Amtrak’s ongoing discussions with CSX and NS to allow Amtrak access to

CSX and NS properties and personnel so that Amtrak can perform necessary preparations for the Gulf Coast Service to commence on or about January 1, 2022.

By letter dated June 30, 2021, CSX granted Amtrak's request for access to CSX property and personnel so that Amtrak can: (1) conduct a survey for an interim layover track in Mobile; (2) undertake repairs to stations in Bay St. Louis, Gulfport, Biloxi, Pascagoula, and Mobile; and (3) begin the process of qualifying Amtrak crews to operate along the Gulf Coast corridor. By letter dated May 17, 2021, NS stated that Amtrak's existing service over NS lines in New Orleans would fully facilitate Amtrak's access to the safety and operational information Amtrak sought to obtain. A copy of the parties' correspondence regarding access is attached hereto.

Accordingly, Amtrak is undertaking the necessary preparations to start operating the Gulf Coast Service by on or about January 1, 2022. As Amtrak explained in its response to the motion to dismiss, the restoration of passenger service between New Orleans and Mobile is an important piece of a national vision to make intercity passenger rail service a more vital part of the nation's transportation system, offering connections between communities in heavily populated corridors across America; alleviating worsening congestion on highways and service reductions in the aviation system; and encouraging use of a more sustainable, energy efficient, and environmentally friendly means of travel than other modes. The residents of the Gulf Coast have already waited many years to have their passenger rail service restored such that this vision can become a reality.

Amtrak respectfully renews its request for expedited treatment of its application asking that the Board institute a proceeding and establish the procedural schedule proposed by Amtrak in its March 16, 2021 request for an order pursuant to 49 U.S.C. § 24308(e). Amtrak likewise respectfully seeks expedited treatment of the pending motion to dismiss and motions to strike.

July 6, 2021

Eleanor D. Acheson
Chief Legal Officer, General Counsel
& Corporate Secretary
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001
(202) 906-3971

Respectfully submitted:

/s/ Jessica Ring Amunson

Jessica Ring Amunson
Kali N. Bracey
Caroline C. Cease
Jenner & Block LLP
1099 New York Ave., NW
Suite 900
Washington, DC 20001
(202) 639-6000
jamunson@jenner.com

*Counsel for National Railroad
Passenger Corporation*

CERTIFICATE OF SERVICE

I, Jessica Ring Amunson, certify that I have this day served copies of this document upon all parties of record in this proceeding, by email on the service list to Finance Docket No. 36496.

July 6, 2021

/s/ Jessica Ring Amunson
Jessica Ring Amunson

May 10, 2021

Jessica Ring Amunson
Tel +1 202 639 6023
JAmunson@jenner.com

VIA EMAIL

Raymond A. Atkins, Ph.D.
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
ratkins@sidley.com

William A. Mullins
Baker & Miller
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037
wmullins@bakerandmiller.com

Re: *Application of National Railroad Passenger Corp. Under 49 U.S.C. § 24308(e)*,
STB Finance Docket No. 36496

Dear Messrs. Atkins and Mullins:

As you are aware, Amtrak's application to the Surface Transportation Board requests an interim order to allow Amtrak to begin preparations for the Gulf Coast Service to commence on or about January 1, 2022. As Amtrak informed the Board, Amtrak needs access to the facilities of your respective clients CSX Transportation, Inc. ("CSX") and Norfolk Southern Railway Company ("NS") in order to perform various safety, operations, and stations infrastructure assessments along the route in advance of the start of service.

As Amtrak also informed the Board, an interim order may not be necessary if CSX and NS are willing to provide Amtrak with the access and resources Amtrak needs to perform these assessments. Amtrak Resp. at 18-19. Amtrak's Senior Director of Host Railroads, Jim Blair, intends to reach out in the near future to Andy Daly at CSX and Randy Hunt at NS to describe with greater particularity the access Amtrak needs and the proposed schedule for such access. If CSX and NS intend to refuse all such access, kindly let me know within seven (7) days of the date of this letter.

Sincerely,

/s/ Jessica Ring Amunson
Jessica Ring Amunson

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

William A. Mullins

Direct Dial: (202) 663-7823

May 17, 2021

Via Email

Jessica Ring Amunson
Jenner & Block
1099 New York Avenue, NW
Suite 900
Washington, DC 20001-4412

Re: Application of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(e) – CSX Transportation, Inc. and Norfolk Southern, FD 36496

Dear Ms. Amunson:

As counsel for Norfolk Southern Railway Company (“NS”), I received your May 10, 2021 letter requesting NS (and CSX) to provide Amtrak with access and resources so Amtrak may “begin preparations for the Gulf Coast Service to commence on or about January 1, 2022.” Amtrak Letter. NS appreciates you reaching out and requesting such access to NS’ track and facilities; however, NS believes any additional access to NS property is unnecessary in light of Amtrak’s existing service over NS lines.

As NS understands it, Amtrak’s proposed new service will utilize a roughly three-mile footprint within New Orleans over which Amtrak currently operates the Crescent service today. There are no Amtrak stations on NS’ portion of the line, nor are any new stations proposed. Further, Amtrak’s existing Crescent service has fully familiarized Amtrak with all of the safety and operational information the May 10 letter seeks to obtain.

If NS’ understanding of this request is incorrect and Amtrak seeks something more than what they already have access to, please provide me the specific information sought and facility access Amtrak requires so that the request can be fully reviewed. NS otherwise feels no additional access need be granted at this time.

Sincerely,

/s/ William A. Mullins

William A. Mullins

cc: Raymond A. Atkins, Ph.D. Counsel for CSX Transportation, Inc.



SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, D.C. 20005
+1 202 736 8000
+1 202 736 8711 FAX

AMERICA • ASIA PACIFIC • EUROPE

+1 202 736 8889
RATKINS@SIDLEY.COM

May 17, 2021

By Email

Jessica Ring Amunson
Jenner & Block
1099 New York Avenue, NW
Suite 900
Washington, DC 20001-4412

Re: Finance Docket No. 36496, *Application of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(e) – CSX Transportation, Inc. and Norfolk Southern*

Dear Ms. Amunson:

We have received your May 10, 2021 letter requesting access and resources so Amtrak may “begin preparations for the Gulf Coast Service to commence on or about January 1, 2022.” Amtrak Letter. The letter does not describe what access Amtrak wants, except to say that it may include “various safety, operations, and stations infrastructure assessments along the route in advance of the start of service,” and represents that Amtrak’s Jim Blair would be reaching out to Andy Daly to “describe with greater particularity the access Amtrak needs and the proposed schedule for such access.” *Id.* To date, Mr. Daly has not received any communication from Mr. Blair describing what access Amtrak is requesting and on what schedule.

Amtrak’s demand that CSXT say whether or not it will oppose a request that Amtrak has not yet made is not reasonable. CSXT will consider Amtrak’s request after Amtrak makes an actual request.

Sincerely,

/s/ Raymond A. Atkins

Raymond A. Atkins, Ph.D.

cc: William A. Mullins
Counsel for Norfolk Southern Railway Co.



June 16, 2021

Andy Daly
Senior Director Passenger Operations
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

Re: Gulf Coast Service

Dear Andy:

The purpose of this letter is to follow up on the May 10th and May 17th exchange of correspondence between Amtrak's counsel and CSXT's counsel in the *Gulf Coast* matter currently pending before the Surface Transportation Board. As requested in CSX's May 17, 2021 letter, I am writing to describe specifically the access Amtrak needs to CSX property, people, and information, for purposes of preparing for the Gulf Coast Service to begin on or about January 1, 2022.

Attached please find Amtrak's preliminary requests for access, including the requested start date, the requested end date, a description of the activities planned, and a description of any support requested from CSX. I have also included contact information for the Amtrak department lead for each access request should you have questions.

Please let me know by no later than July 1, 2021 whether CSX agrees to provide the requested access on the requested schedule. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Blair", with a large, stylized flourish extending to the right.

Jim Blair
Senior Director, Host Railroads

Cc: Kyle Montgomery - Amtrak

Amtrak Requested Access

Request No.	Expected start date of access	Expected end date of access	What activities are planned?	Required Support from CSXT					Need approval by	Amtrak Department Lead	Amtrak Contact	Amtrak Telephone	Amtrak Email
				Flagging	HyRail	T&E	Ride Along	Other					
1	2021 Q3	2021 Q3	Survey for Interim Layover Track	X						7/1/2020	Troy Mason	Troy Mason	Redacted as PII
2	2021 Q3	2021 Q4	Bay St Louis Station Repair	X						7/1/2020	John Bender	Brayton Palmer	
3	2021 Q3	2021 Q4	Gulfport Station Repair	X						7/1/2020	John Bender	Brayton Palmer	
4	2021 Q3	2021 Q4	Biloxi Station Repair	X						7/1/2020	John Bender	Brayton Palmer	
5	2021 Q3	2021 Q4	Pascagoula Station Repair	X						7/1/2020	John Bender	Brayton Palmer	
6	2021 Q3	2021 Q4	Mobile Station Repair	X						7/1/2020	John Bender	Brayton Palmer	
7	2021 Q3	TBD	Crew Qualification - Amtrak Road Foreman				X			7/1/2020	Jarrett Alston	Doug Reisner	
8	2021 Q3	TBD	Crew Qualification - Amtrak Crew			X		X	2 CSX Pilots	7/1/2020	Jarrett Alston	Doug Reisner	
9	2021 Q3	2022 Q1	Curve Speed Safety Review					X	CSX Geocar Data	7/1/2020	Justin Meko	Brett Ulrich	
10	2021 Q3	2022 Q1	Grade Crossing Safety Review					X	Current List of Grade Crossings and Warning Devices	7/1/2020	Justin Meko	Brett Ulrich	



3019 Warrington Street J500
Jacksonville, FL 32254

Redacted as PII

June 30, 2021

Mr. Jim Blair
Senior Director - Host Railroads
National Railroad Passenger Corporation
30th Street Station, 4 Floor North
Box 20
Philadelphia, PA 19104

RE: Gulf Coast Service

Dear Jim,

This letter responds to your letter of June 16, 2021, requesting Amtrak access to CSX properties and resources to allow Amtrak to complete activities in preparation for the possible commencement of new passenger service on the Gulf Coast.

CSX agrees to the request. Attached to this letter is a list of the appropriate CSX representatives that Amtrak can contact, when ready, to coordinate the requested activities. Please provide an Authorization Number, or numbers depending on how Amtrak desires to track the costs for these various tasks, so that CSX can properly track its costs and use such authorization number(s) to invoice Amtrak for the services requested.

We note that CSX will require significant advance notice of Amtrak's plans to qualify crews or conduct station repair work that requires flagging services to ensure there is no unnecessary delay to our freight customers. To that end, please provide more specific details as to the precise dates when flagging services will be requested (including what type of work); the number of crews that will need to be qualified to support the proposed new Gulf Coast service; and the precise dates when those crews will be ready to begin such qualifications.

We would also note that Amtrak crews qualified on the existing facilities along the Gulf Coast corridor will need to be requalified with respect to any new infrastructure agreed to by the parties or ordered by the Surface Transportation Board to support the new passenger service. Amtrak therefore should consider whether it is efficient or appropriate to seek to qualify crews before those issues have been decided. This is one more reason why Amtrak should reconsider its decision not to complete the HDR study. A comprehensive understanding of future changes to the Gulf Coast route would improve the quality and efficiency of Amtrak crew training and qualification.

We note that one of the planning activities is the "Curve Speed Safety Review" which we believe can be best addressed with the attached Curve Report from the "CSX Master Engineering Database". All the information provided is confidential and should be treated accordingly.

Kind regards,



Andy Daly
Senior Director
Passenger Operations
CSXT

CSX Representative By Requested Activity

Amtrak Activity Planned	CSX Contact	Telephone Number	Email
Survey for Interim Layover Track	Larry Skipper	Redacted as PII	
Bay St Louis Station Repair	Larry Skipper		
Gulfport Station Repair	Larry Skipper		
Biloxi Station Repair	Larry Skipper		
Pascagoula Station Repair	Larry Skipper		
Mobile Station Repair	Larry Skipper		
Crew Qualification - Amtrak Road Foreman	Ken Gumz		
Crew Qualification - Amtrak Crew	Ken Gumz		
Curve Speed Safety Review	See attached		
Grade Crossing Safety Review	See attached		

Confidential Attachment Omitted