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November 9, 2021

## VIA E-FILING

Cynthia T. Brown  
Chief of the Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington DC 20423-0001

303177

ENTERED  
Office of Proceedings  
November 9, 2021  
Part of  
Public Record

Re: FD 36496  
Application of the National Railroad Passenger Corp. Under  
49 U.S.C. §2408(E) — CSX Transportation, Inc. and Norfolk Southern

Dear Ms. Brown:

On October 21, 2021, the National Passenger Railroad Corporation (“Amtrak”) renewed “its request for an interim order requiring CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway (“NSR”) to provide Amtrak with access to their rail lines between New Orleans and Mobile to perform all necessary preparations for the restoration of the *Gulf Coast* service.” See Amtrak’s Renewed Request for an Interim Order, filed October 21, 2021 (“Renewed Request”).

NSR should not have been named in Amtrak’s latest request. Amtrak continues to have access to the involved NSR lines, subject to appropriate coordination. NSR has not revoked nor altered Amtrak’s access. As explained to Amtrak in a May 17, 2021 Letter, Amtrak’s existing access over NSR lines met Amtrak’s need. Amtrak agreed and indicated to the Board in a July 6, 2021 letter that it received the requested access from both parties. The Board found previously that because access was voluntarily granted it mooted Amtrak’s original request for an interim order. See Application of the Nat’l Passenger R.R. Corp. Under 49 U.S.C. §2408(e) – CSX Transp. Inc., and Norfolk S. Ry. Co., (STB served August 6, 2021). This access to NSR lines remains in place today.

Nothing in the Renewed Request relates to NSR. Amtrak does not allege it lacks access to NSR’s lines. Amtrak does not state or imply that NSR has revoked its permission to NSR lines or in any way interfered with its access over NSR’s lines. Because Amtrak has the access to NSR’s lines that it requires, an interim order as to NSR is neither required nor appropriate. This is exactly why the Board mooted Amtrak’s access request in its August 6<sup>th</sup> decision - access was already voluntarily granted. Nothing has changed as to NSR. Amtrak has the same access to NSR’s lines

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as it did before. The issue is still moot. NSR respectfully requests that NSR be dismissed from the request and omitted from any interim order the Board may grant.

If there are any questions concerning this e-filing, please contact me by telephone at (202) 663-7823 or by e-mail at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com). If I am unavailable, you may contact my associate, Crystal M. Zorbaugh, by telephone at (202) 663-7831 or by e-mail at [czorbaugh@bakerandmiller.com](mailto:czorbaugh@bakerandmiller.com).

Sincerely,

/s/ *William A. Mullins*

William A. Mullins

cc: Parties of Record