

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
DOCKET NO. FD 36496**

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ENTERED  
Office of Proceedings  
October 31, 2022  
Part of  
Public Record

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

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**JOINT MOTION FOR SECOND ROUND OF BOARD-SPONSORED  
MEDIATION AND STAY OF PROCEEDINGS**

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CSX Transportation, Inc., Norfolk Southern Railway Company, the National Railroad Passenger Corporation, and the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (together, the “Parties”), respectfully move the Surface Transportation Board (“Board”) to issue an order commencing a second round of 30 days of Board-sponsored mediation to begin on November 2, 2022 and conclude on December 1, 2022. The Parties also request that the Board stay all proceedings until December 1, 2022 while the Parties continue to mediate.

On June 10, 2022, the Board issued a decision ordering 30 days of Board-sponsored mediation pursuant to 49 C.F.R. § 1109.2(a). At the Parties’ joint request, the Board has thrice extended mediation on August 24, September 27, and October 11, 2022. The third extension of mediation concluded on October 25, 2022. Mediation was not extended at that time, but the Parties have continued to communicate concerning possible settlement of the dispute.

The Board may order a second round of mediation “if all parties to a matter mutually request another round of mediation.” 49 C.F.R. § 1109.3(b). The Parties all agree that the assistance of the current Board-sponsored mediators would be productive as they seek to reach an amicable resolution of this matter. The Parties

have made considerable progress in their discussions, and expect that the coming weeks, leading up to December 1, will be critical in determining whether a negotiated resolution can be reached. The Parties specifically request that this second round of mediation conclude on December 1, 2022.

In order to allow the Parties to devote their full attention toward a potential settlement, the Parties request that the Board issue a temporary stay of the proceedings. Given the Board's October 28, 2022 order setting an accelerated schedule for conclusion of the evidentiary hearing (November 17 and 18) and a voting conference (December 7), it would be very challenging for the Parties to focus on settlement efforts while also preparing for those proceedings. Therefore, the Parties request that the Board stay the case until December 1, 2022. If the second round of mediation concludes on December 1 without an agreement to extend or settle, the Parties request that the Board set a status conference with Board staff to discuss a schedule to conclude the case.

## **CONCLUSION**

The Parties jointly request that the Board enter an order commencing a second round of Board-sponsored mediation that commences on November 2, 2022 and concludes on December 1, 2022. The Parties also jointly request that the Board stay all proceedings in this matter until December 1, 2022.

Respectfully submitted,

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Dated: October 31, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of October 2022, a copy of the foregoing motion was served by email or first-class mail on the service list for Finance Docket No. 36496.

/s/ Raymond A. Atkins

Raymond A. Atkins  
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