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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

JOINT STATUS REPORT

The National Railroad Passenger Corp. (“Amtrak”), CSX Transportation, Inc. (“CSX”), Norfolk Southern Railway Company (“NS”), and the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (the “Port”) (collectively, the “Parties”), provide this joint status report to the Surface Transportation Board (the “Board”) in accordance with the Board’s orders of November 6, 2023 (continuing to hold the case in abeyance and ordering the Parties to file a status report by February 1, 2024) and January 19, 2024 (directing the Parties to provide the Board with information on February 1 sufficient for the Board to reasonably understand the remaining steps necessary to fully implement the Parties’ settlement agreement).

The Parties appreciate the Board’s continued interest and understand there is great public interest in the resolution of this matter. To that end, the Parties have been working, and continue to work diligently, cooperatively, and in good faith toward implementation of all terms and conditions of the settlement agreement. While specific terms and conditions of the agreement remain confidential, the Parties can offer that one of the major components of the settlement agreement was the Parties’ cooperation on the preparation and December 1, 2022 submission of an application by the Southern Rail Commission (“SRC”) and Amtrak for a \$178 million federal

grant under the Consolidated Rail Infrastructure and Safety Improvements Program (“CRISI”). The CRISI grant that the Parties cooperated to secure, and which the Federal Railroad Administration (“FRA”) now has awarded to Amtrak in full, will fund certain mutually-agreed-upon railroad infrastructure projects associated with the implementation of *Gulf Coast* service. The CRISI grant application detailing those projects, and each Party’s respective commitment concerning the delivery of specific projects, is available for the Board’s inspection in Amtrak’s Freedom of Information Act Reading Room at <https://www.amtrak.com/about-amtrak/foia.html>.

Since the FRA’s September 21, 2023 announcement of the CRISI grant award, Amtrak has been working closely and cooperatively with the FRA to finalize the grant agreement. Amtrak received the CRISI grant terms and conditions from the FRA in December 2023 and Amtrak understands that obligation of the CRISI funds by the FRA is progressing well. Grant agreements are complex and sometimes can take six months or more to complete. Amtrak is giving this grant agreement its highest priority and is optimistic that it can be completed within the next few months. Once a preliminary grant agreement is reached, all Parties must agree to the various obligations contained within that agreement before it can be finalized. The Parties have agreed that dismissal of these proceedings is not appropriate until funding for the agreed-upon infrastructure projects is formally secured under an executed funding agreement.

The Parties also can share that a Mobile Station Track Project must be completed prior to the resumption of the *Gulf Coast* service on an interim schedule. That specific project entails installing approximately 3,000 feet of layover track at, and proximate to, the site of the former train station site in downtown Mobile, Alabama, adjacent to existing CSX right-of-way. Amtrak will fund the Mobile Station Track Project separately from the CRISI-supported projects. Amtrak and CSX have already executed a design and construction agreement for this project and have been

working diligently and cooperatively on all design and pre-construction activities over the last few months.

The Mobile Station Track Project is subject to the FRA's review and approval under the National Environmental Policy Act ("NEPA"). Amtrak is preparing its NEPA submission to the FRA and has obtained special authorization from the FRA to continue proceeding with station design while the FRA's environmental review process is ongoing and prior to FRA's final NEPA decision. The FRA has required that no ground-disturbing activities may commence until NEPA clearance is granted and the FRA has signed off on the final project design.

The Mobile Station Track Project depends upon Amtrak successfully negotiating a land use agreement with the City of Mobile to govern Amtrak's siting, construction, and use of a new passenger platform to be located on City-owned property, adjacent to the CSX right-of-way to be deployed for station track purposes. Amtrak has provided a draft agreement to the City of Mobile and is actively negotiating agreement terms with the City. Amtrak's efforts included an in-person meeting with the Mayor and his staff in Mobile in December 2023. Amtrak understands that final land use terms must be approved by a supermajority vote of the Mobile City Council. The Port has agreed to facilitate discussions and provide support for all efforts Amtrak undertakes with local authorities to promptly reach an agreement to secure the property necessary for the Mobile Station Track Project.

In sum, the effort to finalize the CRISI grant agreement and to restore the *Gulf Coast* service is receiving the highest levels of attention from each of the Parties and from the FRA. To that end, FRA Administrator Amit Bose is convening regular meetings of the principals from each of the Parties to assess and facilitate project advancement. The first such meeting was held in December 2023 and was attended by the chief executive officers (or their representatives) of

Amtrak, CSX, NS, and the Port. The Parties appreciate the FRA's stewardship and look forward to their next meeting.

The Parties have provided in this report all of the information they possess about the status of settlement agreement implementation, and the steps that remain to be completed under that agreement to permit dismissal of the present proceeding before the Board. Accordingly, the Parties respectfully request that the Board forego the hearing tentatively scheduled for February 14, 2024, as the Parties have no further information to offer. The Parties jointly and respectfully request that the Board continue to hold this matter in abeyance until such time as the Parties notify the Board that the settlement terms have been fulfilled. As noted above, Amtrak believes that execution of the CRISI grant agreement is proceeding well and therefore expects that it will move for dismissal of this proceeding in the near future. If the Parties do not file such a notice on or before May 1, 2024, they will submit a further joint status report.

February 1, 2024

Respectfully submitted:

/s/ Jessica Ring Amunson

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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 use of the service list, consistent with 49 C.F.R. § 1104.12.

/s/ Jessica Ring Amunson _____
Jessica Ring Amunson

February 1, 2024