

ENTERED
Office of Proceedings
October 24, 2024
Part of
Public Record

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

**UNOPPOSED MOTION OF THE NATIONAL RAILROAD PASSENGER
CORPORATION TO DISMISS APPLICATION WITH PREJUDICE**

Pursuant to the November 22, 2022 order of the Surface Transportation Board (“the Board”), the National Railroad Passenger Corp. (“Amtrak”) hereby informs the Board that the applicable terms of the settlement agreement among Amtrak and 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”) have been fulfilled. Accordingly, Amtrak hereby moves to dismiss with prejudice Amtrak’s application for an order pursuant to 49 U.S.C. § 24308(e) requiring CSX and 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 on the schedules requested by Amtrak. Amtrak is authorized to state that CSX, NS, and the Port do not oppose this motion.

Amtrak filed its application to provide for the operation of additional intercity passenger trains over the rail lines of CSX and NS under 49 U.S.C. § 24308(e) on March 16, 2021. The Board formally instituted this proceeding on August 5, 2021 and set a procedural schedule for discovery and presentation of evidence. The Board then held a public hearing in this matter on February 15 and 16, 2022, and an evidentiary hearing beginning on April 4, 2022 and continuing

for multiple days thereafter. On June 10, 2022, the Board ordered the Parties to engage in Board-sponsored mediation. On November 21, 2022, the Parties filed a joint motion informing the Board that, with the assistance of the Board-sponsored mediators, they had reached a settlement that would fully resolve their dispute once several additional conditions were met. The Parties accordingly asked the Board to hold these proceedings in abeyance pending notification that the applicable settlement conditions had been satisfied. On November 22, 2022, the Board granted the motion to hold the proceedings in abeyance and directed the Parties to file a series of status reports regarding implementation of their confidential settlement agreement. The Board then held a hearing on February 14, 2024 on the status of this matter and thereafter directed the Parties to address certain additional questions in their status reports, which the Parties have done.

Amtrak is pleased to report that as of October 22, 2024, the conditions necessary to resolve this matter pursuant to the Parties' settlement agreement have been satisfied such that Amtrak hereby moves to dismiss its application with prejudice and close these proceedings. Amtrak wishes to express its appreciation to the Board for its time and attention to this matter. With the assistance of the Board, intercity passenger rail service between Mobile and New Orleans soon will be restored. To that end, a groundbreaking ceremony was held on October 22, 2024, for the Mobile Station passenger platform and layover track, which is the only infrastructure project that is required to be completed before intercity passenger rail service can resume. As the Parties previously reported to the Board, the Parties also are continuing to work together on the implementation of the additional infrastructure projects included in the Consolidated Rail Infrastructure and Safety Improvements ("CRISI") grant awarded to Amtrak for the Gulf Coast Corridor Improvement Project, although these projects are not required to be completed prior to the start of intercity passenger rail service. The CRISI Grant Agreement between Amtrak and the

Federal Railroad Administration (“FRA”) was fully executed on October 22, 2024, thus fulfilling the last of the settlement agreement’s conditions precedent to dismissal.

WHEREFORE, Amtrak respectfully requests that the Board dismiss its application with prejudice and close these proceedings, with each party to bear its own costs.

October 24, 2024

Respectfully submitted:

/s/ Jessica Ring Amunson

Jessica Ring Amunson

Alex S. Trepp

JENNER & BLOCK LLP

1099 New York Ave., NW

Suite 900

Washington, DC 20001

(202) 639-6000

jamunson@jenner.com

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

/s/ Jessica Ring Amunson

Jessica Ring Amunson

October 24, 2024