

PUBLIC VERSION

BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496

ENTERED
Office of Proceedings
November 21, 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

JOINT MOTION TO HOLD IN ABEYANCE

CSX Transportation, Inc., Norfolk Southern Railway Company, the National Railroad Passenger Corporation (“Amtrak”), and the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (together, the “Parties”), respectfully request that the Surface Transportation Board (“Board”) hold the above-captioned proceeding in abeyance and stay the oral argument scheduled for November 30 and the voting conference scheduled for December 7. As described below, the Parties have agreed to settlement terms that, when fully implemented, will lead to a complete resolution of this proceeding. Because it will take several months to effectuate those terms and complete the settlement, the Parties jointly ask the Board to hold this proceeding in abeyance until such time as the Parties notify the Board that the terms of the settlement have been fulfilled.

With the assistance of Board-sponsored mediators, the Parties have agreed upon a settlement that will—after several conditions are met in the coming weeks and months—completely resolve this dispute. Some of these conditions are not entirely within the Parties’ control, however. Therefore, each Party has reserved its right to reinstate this proceeding in the event certain of those conditions are not met. Although the terms of the settlement are confidential, the Parties have agreed

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to make the following representations to the Board to facilitate the Board's consideration of this motion.

{Redacted

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The Parties greatly appreciate the diligent efforts of the Board-appointed mediators over the past several months to facilitate this settlement.

For these reasons, the Parties jointly request that the Board enter an order staying the evidentiary hearing currently scheduled to reconvene on November 30, staying the voting conference presently scheduled for December 7, and holding this proceeding in abeyance until such time as the Parties notify the Board that the terms of the settlement have been fulfilled. If the Parties do not file such a notice before June 30, 2023, they will submit a joint status report to the Board.

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Respectfully submitted,

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*Counsel for Norfolk Southern Railway
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Dated: November 21, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November 2022, a copy of the foregoing Joint Motion to Hold In Abeyance was served by email or first-class mail on the service list for Finance Docket No. 36496.

/s/ Raymond A. Atkins

Raymond A. Atkins
SIDLEY AUSTIN LLP