

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36496

ENTERED
Office of Proceedings
January 25, 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 RAILWAY COMPANY**

**MOTION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND
THE FEDERAL RAILROAD ADMINISTRATION FOR LEAVE TO APPEAR AT
THE BOARD'S PUBLIC HEARING**

The United States Department of Transportation (Department or DOT) and the Federal Railroad Administration (FRA), an operating administration of DOT,¹ respectfully move for leave to appear as *amici curiae* at the Board's public hearing in this matter, scheduled to begin on February 15, 2022. In particular, DOT seeks leave for FRA Administrator Amitabha Bose to make a statement to the Board at the hearing.

As we have previously explained in submissions to the Board,² DOT has critical interests at stake here in light of the role that it has played, and will continue to play, in fostering the restoration of passenger rail service in the Gulf Coast region. DOT has provided significant funding for capital improvements and operating financial support for the restored Gulf Coast service. FRA also led a Working Group on these issues that included the parties to this proceeding, as well as various other public and private sector stakeholders. This case is central to the Department's role in advancing the goals of Congress and the Biden-Harris Administration

¹ For convenience, this submission sometimes refers collectively to DOT and FRA as the Department or DOT.

² See Motion of the United States Department of Transportation and the Federal Railroad Administration for Leave to File Comments as *Amici Curiae* (filed Dec. 14, 2021) (granted Jan. 24, 2022).

to enhance passenger rail service nationwide. As with DOT's filed comments as *amicus curiae*, FRA Administrator Bose's statement at the public hearing should aid in the Board's examination of the issues and the determination of appropriate relief.

Undersigned counsel for DOT has contacted Counsel of Record for the parties in this proceeding to notify them of DOT's anticipated filing and to ask for their positions. Counsel for Amtrak has responded that Amtrak consents to this motion. Counsel for Norfolk Southern Railway Company (NS) has advised that NS does not object to this motion, and that NS may file an additional response. Counsel for CSX Transportation, Inc. (CSX) has advised that CSX takes no position on DOT's motion at this time.

Respectfully submitted,

January 25, 2022

/s/ Christopher S. Perry

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 2022, I filed the foregoing document electronically via the Board's e-filing system, and caused a copy to be served via electronic mail upon Parties of Record in this proceeding.

/s/ Christopher S. Perry

Christopher S. Perry
United States Department of Transportation