

Anthony J. LaRocca
202 429 8119
alarocca@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



303509

ENTERED
Office of Proceedings
January 12, 2022
Part of
Public Record

January 12, 2022

CSXT/PAR-51

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: STB Docket No. FD 36472, CSX Corporation and CSX Transportation, Inc., et al.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company

Dear Ms. Brown:

CSX¹ hereby requests that the STB impose, as conditions to the STB's approval of the Merger Transaction, Condition Nos. 1-5 and 7, as requested by Amtrak in the final brief filed by Amtrak in this proceeding on January 3, 2022, as the conditions relate to the PAR System and the existing CSXT network. With respect to Amtrak's Condition No. 6, relating to the Berkshire Flyer service, CSX has agreed to the terms specified in the attached letter from Jim Foote, CSX's Chief Executive Officer, to Stephen Gardner, Amtrak's Chief Executive Officer.

¹ The acronyms and defined terms used in this letter are the same as those used in the Revised Application filed in the above-captioned proceeding.

Cynthia T. Brown
January 12, 2022
Page 2

Respectfully submitted,

/s/ Anthony J. LaRocca

Anthony J. LaRocca
Peter W. Denton
Sally Mordi
*Attorneys for CSX Corporation and
CSX Transportation, Inc.*

Enclosures

cc: Louis E. Gitomer
All parties of record



James M. Foote
President & Chief
Executive Officer

500 Water St., C900
Jacksonville, FL 32202

January 10, 2022

Mr. Stephen Gardner
Chief Executive Officer
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001

Dear Mr. Gardner:

As discussed in a call last Friday between CSX, Amtrak and Senator Hinds of the Commonwealth of Massachusetts, CSX agrees to the operation of the Berkshire Flyer from Memorial Day to Columbus Day 2022 on the schedule that was provided to CSX. See enclosed. While we will need to have a commitment on a 1000 foot station track to mitigate freight interference, CSX is willing to support the operation of the Berkshire Flyer in 2022 as a Special Train under the Operating Agreement so that all parties can better evaluate the service.

Please have your team reach out to Andy Daly, CSX's NRPC Officer, to finalize the terms of the Berkshire Flyer in the Operating Agreement.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Foote", written over a large, stylized blue loop.

James M. Foote

Enclosure

cc: The Honorable Adam G. Hinds, Massachusetts State Senator
Jamey Tesler, Secretary and Chief Executive Officer, MassDOT
Meredith Slesinger, Rail and Transit Administrator, MassDOT

Berkshire Flyer Westbound						
Train Number				235	10235	20244
Normal Days of Operation				Daily	Fr	Su
Station	Mile					
New York Penn, NY	0	ET	Dp	3:16 PM		
Yonkers , NY	15	ET	Dp	3:39 PM		
Croton-Harmon, NY	33	ET	Dp	3:58 PM		
Poughkeepsie, NY	74	ET	Dp	4:40 PM		
Rhinecliff, NY	89	ET	Dp	4:55 PM		
Hudson, NY	115	ET	Dp	5:15 PM		
Albany-Rensselaer, NY	142	ET	Dp	5:45 PM		
Albany-Rensselaer, NY	142	ET	Dp		6:05 PM	1:30 PM
Pittsfield, MA	190	ET	Ar		7:12 PM	2:40 PM

Berkshire Flyer Eastbound						
Train Number				244	10244	20235
Normal Days of Operation				Daily	Su	Fr
Station	Mile					
Pittsfield, MA	0	ET	Dp		3:00 PM	7:27 PM
Albany-Rensselaer, NY	48	ET	Ar		4:10 PM	8:41 PM
Albany-Rensselaer, NY	48	ET	Dp	4:30 PM		
Hudson, NY	75	ET	Dp	4:52 PM		
Rhinecliff, NY	101	ET	Dp	5:14 PM		
Poughkeepsie, NY	116	ET	Dp	5:30 PM		
Croton-Harmon, NY	157	ET	Dp	6:10 PM		
Yonkers , NY	175	ET	Dp			
New York Penn, NY	190	ET	Ar	7:05 PM		

Note: Mileages shown on this tab are in the Public TT format used in the original presentation of the incremental Pittsfield Service Plan

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket No. FD-36472, *CSX Corporation and CSX Transportation, Inc.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company*, to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi
*Attorney for CSX Corporation and
CSX Transportation, Inc.*

January 12, 2022