

EXPEDITED CONSIDERATION REQUESTED

BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496

ENTERED
Office of Proceedings
February 18, 2022
Part of
Public Record

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORP.
UNDER 49 U.S.C. § 24308(e) – CSX TRANSPORTATION, INC. AND
NORFOLK SOUTHERN CORPORATION

**AMTRAK'S RESPONSE TO THE SURFACE TRANSPORTATION BOARD'S
REQUEST REGARDING COMPENSATION AGREEMENTS**

Eleanor D. Acheson
Chief Legal Officer, General Counsel
& Corporate Secretary
National Railroad Passenger Corporation
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Washington, DC 20001
(202) 906-3971

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*Counsel for National Railroad
Passenger Corporation*

PUBLIC VERSION

The National Passenger Railroad Corporation (“Amtrak”) respectfully responds to the request made by the Surface Transportation Board (“the Board”) on February 16, 2022, that the parties file with the Board by no later than February 21, 2022, copies of the compensation agreements between the parties. Attached please find:

- (1) Agreement Between Amtrak and CSX Transportation, Inc. (“CSX”) (June 1, 1999) (Exhibit 1);
- (2) Agreement Between Norfolk Southern Railway (“NS”) and Amtrak, as amended (February 1, 2006) (Exhibit 2).

These documents are designated as highly confidential because they are competitively sensitive information. CSX should not be permitted to see Amtrak’s compensation terms with NS, and NS should not be permitted to see Amtrak’s compensation terms with CSX.

In Amtrak’s January 27, 2021 letters to CSX and NS formally requesting restoration of the *Gulf Coast* service, Amtrak proposed that the payments for the *Gulf Coast* service be made in accordance with Section 5.1.B of the Amtrak/CSX Agreement and Section 5.1(b) of the Amtrak/NS Agreement. Copies of those letters are attached hereto. (See Exhibits 3 and 4.) Section 5.1.B of the Amtrak/CSX Agreement and Section 5.1(b) of the Amtrak/NS Agreement specifically set forth the payment terms for any additional or modified service requested by Amtrak.

The Board also inquired as to whether the parties’ agreements cover the cost of infrastructure improvements associated with new service. Section 4.3 of both the Amtrak/CSX Agreement and the Amtrak/NS Agreement describes the responsibility of Amtrak to pay for improvements to the rail lines of CSX or NS in the circumstance where Amtrak requests that such improvements be made.

PUBLIC VERSION

February 18, 2022

Respectfully submitted:

/s/ Jessica Ring Amunson

Eleanor D. Acheson
Chief Legal Officer, General Counsel
& Corporate Secretary
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001
(202) 906-3971

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*Counsel for National Railroad
Passenger Corporation*

PUBLIC VERSION

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 email on the service list to Finance Docket No. 36496.

February 18, 2022

/s/ Jessica Ring Amunson
Jessica Ring Amunson

EXHIBIT 1

REDACTED

CONTAINS HIGHLY
CONFIDENTIAL INFORMATION

EXHIBIT 2

REDACTED

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CONFIDENTIAL INFORMATION

EXHIBIT 3



January 27, 2021

Andy Daly
Senior Director – Passenger Operations
CSX Transportation
3019 Warrington Street J500
Jacksonville, FL 32254

Re: Restoration of Gulf Coast Service

Dear Andy:

I write with respect to restoration of the Gulf Coast service between New Orleans, LA and Mobile, AL. As you are aware, the RTC Study Agreement entered into on January 24, 2020, by Norfolk Southern Corporation (“NS”), CSX Transportation, Inc. (“CSXT”), and Amtrak expired on January 23, 2021. Due to concerns regarding progress made to date, including concerns regarding data transparency as raised in my letter to you and NS of August 3, 2020, Amtrak does not intend to renew the RTC Study Agreement.

As you are aware, Amtrak previously operated service along the Gulf Coast over CSXT’s facilities until Hurricane Katrina halted service in 2005. Restoring reliable passenger rail service in this region is critical, as Congress recognized in the FAST Act of 2015, when it directed the creation of the Gulf Coast Working Group. It is now fifteen years since Hurricane Katrina caused Amtrak to cease service and five years since the Working Group first convened, and there is still no intercity passenger rail service for the Gulf Coast.

By this letter, we are requesting CSXT’s agreement to Amtrak’s restoration of the Gulf Coast service between New Orleans and Mobile beginning on or about January 1, 2022. Amtrak has proposed that the initial schedule for this twice-daily service be as shown in the attached Exhibit A, and the payments be in accordance with Section 5.1.B of the Agreement Between the National Railroad Passenger Corporation and CSX Transportation, Inc., dated June 1, 1996, as amended (“the Amtrak/CSXT Operating Agreement”), as shown in the attached Exhibit B.

It is Amtrak’s position that the only infrastructure investments required prior to restoration of service are the station-related upgrades previously recommended by the Gulf Coast Working Group. Amtrak commits to working with railroad, regional, state, and local agencies to make those upgrades prior to the start date for service. Amtrak also acknowledges that—after service is restored—some targeted infrastructure improvements could benefit the ongoing service by reducing trip times. Amtrak commits to working with NS and CSXT to secure funding for the additional improvements previously identified by the Gulf Coast Working Group for these purposes.

In order to ensure sufficient time to complete the necessary safety and operational preparations for service launch on or about January 1, 2022, Amtrak requests that CSXT provide its written agreement for operation of the service by no later than March 15, 2021. As noted above, this is a renewed request and we stand ready to discuss any additional planning or preparation CSXT believes is necessary to achieve the start of service on or about January 1, 2022, and thereafter, ensuring service performance consistent with the recently promulgated metrics and minimum standards for intercity passenger rail, as CSXT is doing for several current Amtrak services. In making this request, Amtrak reserves all rights, whether arising under the Amtrak/CSXT Operating Agreement or otherwise, and Amtrak asks for a conversation regarding this request between appropriate CSXT and Amtrak senior leadership during the week of February 8th. I will be in touch to schedule this session.

We look forward to working with CSXT to operate this service. Thank you in advance for your cooperation on this very important initiative.

Sincerely,



Jim Blair
Sr. Director Host Railroads

cc: Dennis Newman - Amtrak
 Ray Lang - Amtrak
 Christine Lanzon - Amtrak
 Jackie Meredith-Batchelor - Amtrak
 Nina Irish - Amtrak
 Kyle Montgomery - Amtrak

Exhibit A

Gulf Coast Service Train 23				Schedule Skeleton - Gulf Coast Service Westbound AM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
				CSX	0.0							6:30 AM	Mobile, AL	
				CSX	39.9		37	4		2	7:11 AM	7:13 AM	Pascagoula, MS	
	Dp			CSX	60.4		22	6		2	7:41 AM	7:43 AM	Biloxi, MS	
	Dp			CSX	72.5		15	1		2	7:59 AM	8:01 AM	Gulfport, MS	
	Dp			CSX	87.6		21	3		2	8:25 AM	8:27 AM	Bay St. Louis, MS	
	Dp			NS	136.8		48	5			9:20 AM	9:20 AM	XNO - N.O.T. Jct	
	Dp			AMT	140.5		7	12			9:39 AM	9:39 AM	XEJ - East City Jct	
	Ar			AMT	144.1	T.E.FA.I.W.G	9	5			9:53 AM		New Orleans, LA	
								Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time		
								159	36	0	8	203		

Gulf Coast Service Train 24				Schedule Skeleton - Gulf Coast Service Eastbound AM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
				AMT	0.0	T,E,FA,I,W,G,X						7:35 AM	New Orleans, LA	
				NS	3.4		9	9			7:53 AM	7:53 AM	XEJ - East City Jct	
				CSX	7.1		7				8:00 AM	8:00 AM	XNO - N.O.T. Jct	
				CSX	56.5		48	4		2	8:52 AM	8:54 AM	Bay St. Louis, MS	
				CSX	71.4		20	5		2	9:19 AM	9:21 AM	Gulfport, MS	
				CSX	84.1		17			2	9:38 AM	9:40 AM	Biloxi, MS	
				CSX	104.1		22	10		2	10:12 AM	10:14 AM	Pascagoula, MS	
				CSX	144.1		37	7			10:58 AM		Mobile, AL	
								Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time		
								160	35	0	8	203		

Gulf Coast Service Train 25				Schedule Skeleton - Gulf Coast Service Westbound PM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
				CSX	0.0							4:30 PM	Mobile, AL	
				CSX	39.9			37	4	2	5:11 PM	5:13 PM	Pascagoula, MS	
				CSX	60.4			22	6	2	5:41 PM	5:43 PM	Biloxi, MS	
				CSX	72.5			15	1	2	5:59 PM	6:01 PM	Gulfport, MS	
				CSX	87.6			21	3	2	6:25 PM	6:27 PM	Bay St. Louis, MS	
				NS	136.8			48	5		7:20 PM	7:20 PM	XNO - N.O.T. Jct	
				AMT	140.5			7	12		7:39 PM	7:39 PM	XEJ - East City Jct	
				AMT	144.1	T.E.FA.I.W.G		9	5		7:53 PM		New Orleans, LA	
								Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time		
								159	36	0	8	203		

Gulf Coast Service Train 26				Schedule Skeleton - Gulf Coast Service Eastbound PM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
				AMT	0.0	T,E,FA,I,W,G,X						5:31 PM	New Orleans, LA	
				NS	3.4		9	9			5:49 PM	5:49 PM	XEJ - East City Jct	
Dp	New Orleans, LA	5:31 PM		CSX	7.1		7				5:56 PM	5:56 PM	XNO - N.O.T. Jct	
Dp	Bay St. Louis, MS	6:55 PM		CSX	56.5		48	9	2	6:53 PM	6:55 PM		Bay St. Louis, MS	
Dp	Gulfport, MS	7:22 PM		CSX	71.4		20	5	2	7:20 PM	7:22 PM		Gulfport, MS	
Dp	Biloxi, MS	7:41 PM		CSX	84.1		17		2	7:39 PM	7:41 PM		Biloxi, MS	
Dp	Pascagoula, MS	8:13 PM		CSX	104.1		22	8	2	8:11 PM	8:13 PM		Pascagoula, MS	
Dp	Mobile, AL	8:54 PM		CSX	144.1		37	4		8:54 PM			Mobile, AL	
								Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time		
								160	35	0	8	203		

REDACTED

CONTAINS HIGHLY
CONFIDENTIAL INFORMATION

EXHIBIT 4



January 27, 2021

John V. Edwards
General Director Passenger
Norfolk Southern Corporation
Strategic Planning
Three Commercial Place
Norfolk, VA 23510

Re: Restoration of Gulf Coast Service

Dear John:

I write with respect to restoration of the Gulf Coast service between New Orleans, LA and Mobile, AL. As you are aware, the RTC Study Agreement entered into on January 24, 2020, by Norfolk Southern Corporation ("NS"), CSX Transportation, Inc. ("CSXT"), and Amtrak expired on January 23, 2021. Due to concerns regarding progress made to date, including concerns regarding data transparency as raised in my letter to you and CSXT of August 3, 2020, Amtrak does not intend to renew the RTC Study Agreement.

As you are aware, Amtrak previously operated service along the Gulf Coast over NS's facilities until Hurricane Katrina halted service in 2005. Restoring reliable passenger rail service in this region is critical, as Congress recognized in the FAST Act of 2015, when it directed the creation of the Gulf Coast Working Group. It is now fifteen years since Hurricane Katrina caused Amtrak to cease service and five years since the Working Group first convened, and there is still no intercity passenger rail service for the Gulf Coast.

By this letter, we are requesting NS's agreement to Amtrak's restoration of the Gulf Coast service between New Orleans and Mobile beginning on or about January 1, 2022. Amtrak has proposed that the initial schedule for this twice-daily service be as shown in the attached Exhibit A, and the payments be in accordance with Section 5.1(b) of the Agreement Between the National Railroad Passenger Corporation and Norfolk Southern Corporation, dated February 1, 2006, as amended ("the Amtrak/NS Operating Agreement"), as shown in the attached Exhibit B.

It is Amtrak's position that the only infrastructure investments required prior to restoration of service are the station-related upgrades previously recommended by the Gulf Coast Working Group. Amtrak commits to working with railroad, regional, state, and local agencies to make those upgrades prior to the start date for service. Amtrak also acknowledges that—after service is restored—some targeted infrastructure improvements could benefit the ongoing service by reducing trip times. Amtrak commits to working with NS and CSXT to secure funding for the additional improvements previously identified by the Gulf Coast Working Group for these purposes.

In order to ensure sufficient time to complete the necessary safety and operational preparations for service launch on or about January 1, 2022, Amtrak requests that NS provide its written agreement for operation of the service by no later than March 15, 2021. As noted above, this is a renewed request and we stand ready to discuss any additional planning or preparation NS believes is necessary to achieve the start of service on or about January 1, 2022, and thereafter, ensuring service performance consistent with the recently promulgated metrics and minimum standards for intercity passenger rail. In making this request, Amtrak reserves all rights, whether arising under the Amtrak/NS Operating Agreement or otherwise, and Amtrak asks for a conversation regarding this request between appropriate NS and Amtrak senior leadership during the week of February 8th. I will be in touch to schedule this session.

We look forward to working with NS to operate this service. Thank you in advance for your cooperation on this very important initiative.

Sincerely,



Jim Blair
Sr. Director Host Railroads

cc:	Dennis Newman	-	Amtrak
	Ray Lang	-	Amtrak
	Christine Lanzon	-	Amtrak
	Jackie Meredith-Batchelor	-	Amtrak
	Nina Irish	-	Amtrak
	Kyle Montgomery	-	Amtrak

Exhibit A

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	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
	Dp Mobile, AL	6:30 AM		CSX	0.0							6:30 AM	Mobile, AL	
	Dp Pascagoula, MS	7:13 AM		CSX	39.9		37	4		2	7:11 AM	7:13 AM	Pascagoula, MS	
	Dp Biloxi, MS	7:43 AM		CSX	60.4		22	6		2	7:41 AM	7:43 AM	Biloxi, MS	
	Dp Gulfport, MS	8:01 AM		CSX	72.5		15	1		2	7:59 AM	8:01 AM	Gulfport, MS	
	Dp Bay St. Louis, MS	8:27 AM		CSX	87.6		21	3		2	8:25 AM	8:27 AM	Bay St. Louis, MS	
	Ar New Orleans, LA	9:53 AM		NS	136.8		48	5			9:20 AM	9:20 AM	XNO - N.O.T. Jct	
				AMT	140.5		7	12			9:39 AM	9:39 AM	XEJ - East City Jct	
				AMT	144.1	T.E.FA.I.W.G	9	5			9:53 AM		New Orleans, LA	
					Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time					
					159	36	0	8	203					

Gulf Coast Service Train 24				Schedule Skeleton - Gulf Coast Service Eastbound AM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
	Ar New Orleans, LA	7:35 AM		AMT	0.0	T,E,FA,I,W,G,X						7:35 AM	New Orleans, LA	
	Dp Bay St. Louis, MS	8:54 AM		NS	3.4		9	9			7:53 AM	7:53 AM	XEJ - East City Jct	
	Dp Gulfport, MS	9:21 AM		CSX	7.1		7				8:00 AM	8:00 AM	XNO - N.O.T. Jct	
	Dp Biloxi, MS	9:40 AM		CSX	56.5		48	4		2	8:52 AM	8:54 AM	Bay St. Louis, MS	
	Dp Pascagoula, MS	10:14 AM		CSX	71.4		20	5		2	9:19 AM	9:21 AM	Gulfport, MS	
	Dp Mobile, AL	10:58 AM		CSX	84.1		17			2	9:38 AM	9:40 AM	Biloxi, MS	
				CSX	104.1		22	10		2	10:12 AM	10:14 AM	Pascagoula, MS	
				CSX	144.1		37	7			10:58 AM		Mobile, AL	
					Total Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time					
					160	35	0	8	203					

Gulf Coast Service Train 25				Schedule Skeleton - Gulf Coast Service Westbound PM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
	Dp Mobile, AL	4:30 PM		CSX	0.0			37	4	2	5:11 PM	4:30 PM	Mobile, AL	
	Dp Pascagoula, MS	5:13 PM		CSX	39.9			22	6	2	5:41 PM	5:13 PM	Pascagoula, MS	
	Dp Biloxi, MS	5:43 PM		CSX	60.4			15	1	2	5:59 PM	5:43 PM	Biloxi, MS	
	Dp Gulfport, MS	6:01 PM		CSX	72.5			21	3	2	6:25 PM	6:01 PM	Gulfport, MS	
	Dp Bay St. Louis, MS	6:27 PM		NS	87.6			48	5		7:20 PM	6:27 PM	Bay St. Louis, MS	
	Dp New Orleans, LA	7:53 PM		AMT	136.8			7	12		7:39 PM	7:20 PM	XNO - N.O.T. Jct	
				AMT	140.5			9	5		7:53 PM	7:39 PM	XEJ - East City Jct	
				AMT	144.1	T.E.FA.I.W.G							New Orleans, LA	
					Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time					
					159	36	0	8	203					

Gulf Coast Service Train 26				Schedule Skeleton - Gulf Coast Service Eastbound PM (Daily)										1-Jan-22
	Days of Operation	Effective 1/1/22 Daily	Remarks and Changes	RR	Mileage	Services	PRT	Recovery Minutes	Misc. Adjust.	Dwell Minutes	Arrive	Depart	Station	
	Dp New Orleans, LA	5:31 PM		AMT	0.0	T.E.FA.I.W.G.X						5:31 PM	New Orleans, LA	
	Dp Bay St. Louis, MS	6:55 PM		NS	3.4		9	9			5:49 PM	5:49 PM	XEJ - East City Jct	
	Dp Gulfport, MS	7:22 PM		CSX	7.1		7				5:56 PM	5:56 PM	XNO - N.O.T. Jct	
	Dp Biloxi, MS	7:41 PM		CSX	56.5		48	9	2	6:53 PM	6:55 PM		Bay St. Louis, MS	
	Dp Pascagoula, MS	8:13 PM		CSX	71.4		20	5	2	7:20 PM	7:22 PM		Gulfport, MS	
	Dp Mobile, AL	8:54 PM		CSX	84.1		17		2	7:39 PM	7:41 PM		Biloxi, MS	
				CSX	104.1		22	8	2	8:11 PM	8:13 PM		Pascagoula, MS	
				CSX	144.1		37	4		8:54 PM			Mobile, AL	
					Total Pure Run	Total Recovery Minutes	Total Misc. Adjust.	Total Dwell	Total Schedule Time					
					160	35	0	8	203					

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