

SERVICE DATE –SEPTEMBER 22, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION UNDER
49 U.S.C. § 24308(a)—CANADIAN NATIONAL RAILWAY COMPANY

Digest:¹ The Board delegates authority to the Director of the Office of Economics to perform certain functions as part of this proceeding.

Decided: September 19, 2025

In this proceeding, which was initiated pursuant to 49 U.S.C. § 24308(a)(2)(A), the National Railroad Passenger Corporation (Amtrak) has asked the Board to set reasonable terms and compensation for Amtrak's use of the facilities (including rail lines) and services of Illinois Central Railroad Company (IC) and Grand Trunk Western Railroad Company (GTW) (collectively, Canadian National Railway Company (CN)).² A large record has been developed since the proceeding was initiated.³ On April 8, 2025, the Board issued a decision ordering Amtrak and CN to respond to certain information requests. Supplemental Info. Ord., FD 35743, slip op. at 5. They filed responses on May 8, 2025, and on July 22, 2025. Any replies are due by October 9, 2025.

Given the volume and technical nature of the evidence in the record so far and the information the Board is likely to receive in the replies due on October 9, 2025, the Board may need to issue additional decisions directing parties to clarify, correct, or supplement the record.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² IC and GTW are both indirect subsidiaries of Canadian National Railway Company and direct parties to the agreement with Amtrak at issue in this proceeding. For purposes of this proceeding, "CN" refers collectively to IC and GTW, but not their parent company. (See CN Reply 1 n.1, Aug. 1, 2013; Amtrak Reply 1, Aug. 2, 2013.)

³ For more detailed background on this proceeding, see Application of the National Passenger Railroad Under 49 U.S.C. § 24308(a)—Canadian National Railway, FD 35743 (STB served Aug. 9, 2019), and Application of the National Passenger Railroad Under 49 U.S.C. § 24308(a)—Canadian National Railway (Supplemental Info. Ord.), FD 35743 (STB served Apr. 8, 2025).

To expedite this process, the Board will delegate certain functions, as they relate to this docket only, to the Director of the Office of Economics (OE).⁴

Under 49 C.F.R. § 1011.2(a), the Board reserves for itself consideration and disposition of “[a]ll investigations and other proceedings instituted by the Board, except as may be ordered in individual situations.” The Board finds that, for this proceeding, delegating authority for certain functions to the Director of OE is warranted. Permitting the Director of OE to perform these functions will increase administrative efficiency while ensuring that the proceeding continues as expeditiously as possible. The Board will therefore delegate to the Director of OE, for purposes of this proceeding only, the following functions:

- Directing a party (or parties) to clarify, modify, or reformat evidence that has previously been submitted or to supplement evidence that has previously been submitted (including evidence that was provided pursuant to a decision of the entire Board);
- Directing a party (or parties) to produce any information, documents, books, papers, correspondence, memoranda, agreements, or other records, in any form or media, that is likely to be directly relevant to setting terms for a new operating agreement; and
- Disposing of routine procedural matters directly related to the foregoing delegations, including, as appropriate, the authority to issue decisions by grant stamp under the circumstances described in Policy Statement on Grant Stamp Procedure in Routine Director Orders, EP 709 (STB served Nov. 14, 2011).

As with other duties that the Board has delegated to specific offices, see 49 C.F.R. § 1011.7, the Board will reserve for itself the consideration and disposition of all appeals of decisions issued by the Director pursuant to the delegations in this decision. See, e.g., 49 C.F.R. § 1011.2(a)(7); Austin Area Terminal R.R.—Discontinuance of Serv. Exemption—in Bastrop, Burnet, Lee, Llano, Travis & Williamson Cntys., Tex., AB 578X, slip op. at 2 (STB served Nov. 3, 2023). Specifically, when reviewing an appeal of a decision of the Director under this delegation, the Board will consider whether the Director made the correct decision, given the circumstances presented. See Flats Indus. Inc.—Aban. Exemption—in Cleveland, Ohio, AB 1327X, slip op. at 3 (STB served July 19, 2023). To ensure that technical issues are handled expeditiously, the Board will require that all such appeals be filed within five business days after the service date of the decision being appealed. Replies will be due within five business days of the filing date of the appeal (not the date when the appeal would be due).

⁴ The current Acting Director of OE is recused from this proceeding. Accordingly, the OE Chief of the Section of Data Analytics will serve as Acting Director of OE for purposes of this proceeding as needed.

It is ordered:

1. The Board delegates to the Director of OE authority to perform specific functions and related procedural dispositions, as set forth in this decision. The delegation is limited to actions relating to this proceeding and will terminate upon conclusion of the proceeding.
2. Appeals of decisions issued by the Director of OE must be filed within five business days of the service date of the decision being appealed, and replies must be filed within five business days of the filing date of the appeal.
3. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, and Schultz.