

SERVICE DATE – MARCH 1, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36496

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

Digest:¹ This decision reschedules the dates for the evidentiary hearing in this docket and modifies the deadlines for filing prehearing submissions.

Decided: March 1, 2022

On February 15 and 16, 2022, the Board commenced a public hearing in this docket, at which members of the public had an opportunity to provide comments to the Board. Following the conclusion of the public commentary, on February 16, 2022, the Board held a prehearing conference with counsel for the National Railroad Passenger Corporation (Amtrak), CSX Transportation, Inc. (CSXT), Norfolk Southern Railway Company (NSR), and the Alabama State Port Authority and its rail carrier division, the Terminal Railway Alabama State Docks (collectively, the Port), to discuss issues and procedures related to the next phase of the proceeding, an evidentiary hearing scheduled to begin on March 9, 2022.

On February 23, 2022, CSXT filed a motion to continue the evidentiary hearing and the schedule for prehearing submissions, and CSXT represents that the motion is unopposed by Amtrak, NSR, and the Port. CSXT filed both a confidential version of its motion under seal and a public version with redactions.

In light of CSXT's motion and the unique circumstances giving rise to its request, the evidentiary hearing scheduled to begin on March 9, 2022 will be rescheduled for **April 4 and 5, 2022**. As stated in the Board's February 8, 2022 decision, the evidentiary hearing will be entirely virtual. While the Board anticipates the hearing will occupy two days, it is reserving April 6, 2022 in the event the hearing cannot be completed during those two days. Further, out of an abundance of caution, and in order to avoid any further delay in the completion of the evidentiary hearing portion of this proceeding, the Board is also reserving April 8, 2022 as an additional hearing day. The deadlines for prehearing submissions will be modified accordingly.

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).

It is ordered:

1. The evidentiary hearing scheduled to begin on March 9, 2022 will be rescheduled for **April 4 and 5, 2022**, and will continue on April 6 and 8, 2022, if necessary, as discussed above.

2. The deadlines for prehearing submissions are modified, as follows:

Joint Stipulation of Uncontested Facts	March 28, 2022
Joint List of Issues to Be Decided	March 28, 2022
Exhibit List/Visual Aids Exchanged	March 28, 2022
Objections to Exhibits/Visual Aids	March 30, 2022
Submission of Exhibits to the Board ²	March 30, 2022

3. This decision is effective on its service date.

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

² Arrangements for hard copy versions will be specified later.