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August 31, 2022

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20006

ENTERED
Office of Proceedings
August 31, 2022
Part of
Public Record

Re: **FD 36496**

***Application of the National Passenger Railroad Corporation under
49 U.S.C. § 24308(E) – CSX Transportation, Inc., and Norfolk
Southern Railway Company***

**Response of the Alabama State Port Authority and Terminal
Railway Alabama State Docks to Amtrak's July 27, 2022
Supplemental Brief and Evidence**

Dear Ms. Brown:

The Alabama State Port Authority, including its rail carrier operating division, the Terminal Railway Alabama State Docks (collectively, the "Port") hereby tenders its response to the Supplemental Brief and Evidence (the "Brief") filed on July 27, 2022 by the National Railroad Passenger Corporation ("Amtrak").

A main point of emphasis in the Port's own evidentiary submission of July 27 was that – given the essential role of the Terminal Railway Alabama State Docks ("TASD") in the Mobile terminal as a first-mile/last-mile carrier, and as an interchange partner to a number of connecting line-haul rail carriers – TASD cannot practicably alter its operations to better accommodate Amtrak service (and to reduce Amtrak-induced operational disruption to TASD services), as Amtrak has blithely suggested can and should be done.

Amtrak's Brief builds on Amtrak's past, and deeply-flawed, assumption about freight service adjustments along the proposed Amtrak service corridor. In a desperate attempt to reduce readily apparent (and substantial) impairment to freight transportation along the subject

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corridor (including within the Mobile terminal area) reflected in Amtrak's own RTC modeling, Amtrak's RTC modeling experts have resorted to positing a number of counter-productive freight service adjustments that Amtrak evidently would have the Surface Transportation Board endorse as part of an Amtrak-sought order compelling the commencement of passenger rail service in keeping with Amtrak's original Application.

Among the freight service adjustments that Amtrak proposes is the effective day-to-day randomization of freight train schedules along the corridor, such that freight service would, at best, vaguely adhere to established freight schedules. Attached hereto is a Supplemental Verified Statement of Robert M. Golden, whose latest expert testimony shows that Amtrak's train "schedule" proposal – advanced by Amtrak's RTC modelers who lack Mr. Golden's extensive railroad operating experience – is untethered to practical freight railroad dispatching and service planning, and accordingly, Amtrak's proposal is inherently irresponsible.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for Alabama State Port Authority (including its
rail carrier operating division, the Terminal Railway
Alabama State Docks)

Attachment: Supplemental Verified Statement of Robert M. Golden

cc: All parties of record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496**

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

**ALABAMA STATE PORT AUTHORITY AND TERMINAL RAILWAY
ALABAMA STATE DOCKS' REPLY EVIDENCE IN RESPONSE TO THE
SUPPLEMENTAL EVIDENCE AND ARGUMENT OF
THE NATIONAL RAILROAD PASSENGER CORPORATION**

**SUPPLEMENTAL REPLY VERIFIED STATEMENT OF
ROBERT M. GOLDEN**

SUPPLEMENTAL REPLY VERIFIED STATEMENT
OF ROBERT M. GOLDEN

My name is Robert M. Golden. I am General Manager of the Terminal Railway Alabama State Docks (“TASD”) in Mobile, Alabama. My background and qualifications to submit this supplemental reply verified statement are detailed in my verified statement appended to the Opening Comments and Evidence of the Alabama State Port Authority and TASD (collectively the “Port”), incorporated herein by reference, and in my oral testimony offered during an earlier phase of this proceeding. See, e.g., Port Opening Comments and Evid., Ex. B, V.S. of Robert M. Golden, Nov. 3, 2021 (“Opening V.S.–Golden”), at 1. However, I cover again below professional experience relevant to the comments in this verified statement. I am offering this supplemental reply testimony in response to certain aspects of the Rail Traffic Controller (“RTC”) model submitted into the record by the National Railroad Passenger Corporation (“Amtrak”) on July 27, 2022.

DISPATCHING EXPERIENCE

During the evidentiary hearing, I testified about my experience as a dispatcher and assistant chief dispatcher at CSX Transportation, Inc. (“CSXT”). See Evidentiary Hearing Day 7 (Apr. 18, 2022), Tr. 2465:17–2467:13. That experience included the dispatching of freight and Amtrak trains. See *id.* I also have served as a manager of network operations at CSXT, where I was responsible for ensuring that dispatchers were all adhering to the railroad’s operating plan. See *id.* at 2470:7–14.

AMTRAK’S PROPOSED “SCHEDULE” CHANGES ARE UNREASONABLE

Amtrak’s RTC modelers, Thomas D. Crowley and Daniel L. Fapp, represent in their supplemental verified statement that they “made minor rescheduling changes to selected freight train operations to eliminate interfering with scheduled Regional Amtrak service.” Crowley &

Fapp Supplemental V.S. at 5, ¶ 3(d). Mr. Crowley and Mr. Fapp go on to say that “[i]n most instances, the rescheduling involved moving the identified train schedules two (2) hours or less,” though trains were also moved “more than two (2) hours from the original start times to better accommodate the Regional Amtrak trains.” Id. at 23. I do not have access to the details of these adjustments. However, counsel has advised me that Amtrak’s RTC modelers shifted the schedules of approximately 42 trains over the course of the analysis period, and that more than half of those 42 trains experienced a shift in departure time of more than two hours. Moreover, I have been advised that Amtrak’s proposed rescheduling of these trains was applied on a case-specific, day-to-day basis.

As they have been explained to me, the scheduling changes proposed by Amtrak’s RTC modelers are completely at odds with the important work that dispatchers perform. Dispatchers are acutely aware of the importance of – (a) having a consistent, well-designed operating plan and (b) adhering to that plan as closely as circumstances allow. In my professional experience, a larger freight railroad will have an operating plan for its entire network that includes a schedule or trip plan for manifest trains, intermodal trains, automotive trains, and of course, passenger trains. See Evidentiary Hearing Day 7 (Apr. 18, 2022), Tr. 2471:1–15. In my experience, there are very few categories of trains that do not operate on a prescribed schedule. But, based upon what counsel has advised me following counsel’s review of Amtrak’s data, under Amtrak’s RTC modeling, freight trains operating along the New Orleans-Mobile corridor would appear to adhere to no particular schedule.

An operating plan made up of consistent freight train schedules is critical to a fluid and well-functioning rail network. Dispatchers and other network operations personnel are must ensure that all locomotive and yard crews are handling trains to allow the railroad to keep its

commitments to customers and interchange partners, which includes departing as close to on-time as possible and managing the distribution of power (locomotives) throughout the network to be able to move traffic. See *id.* at 2471:16–2472:2. This important, complex work would be nearly impossible if freight trains were arbitrarily rescheduled on random days in an unpredictable manner. As such, Amtrak’s freight service proposal is irresponsible, and I cannot imagine any large rail network operating efficiently or to the satisfaction of customers who seek reliable transportation if it were to operate as Amtrak has proposed.

Inconsistent train schedules also make it harder to accomplish other important dispatching tasks. For example, dispatchers and network operations staff must allot track time for routine maintenance-of-way work, track inspectors operating via hi-rail vehicles, and emergency repairs as they arise. See *id.* at 2475:11–2476:16. Random freight operations would make these critical maintenance and safety-related tasks more difficult to accommodate.

In sum, Amtrak’s proposed “scheduling” changes (as explained to me) are, in my professional opinion, infeasible to implement and undermine a dispatcher’s job of operating an efficient and safe railroad.

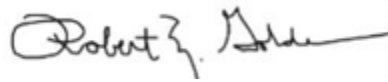
AMTRAK’S MODEL SUPPORTS THE PORT’S CALL FOR INFRASTRUCTURE

I understand that Amtrak’s RTC model shows *even more* degradation to freight operations in and around the Mobile than is reflected in the model submitted by CSXT and Norfolk Southern Railway Company (“NSR”). I note that CSX’s and NS’s RTC modelers have calculated the impact of Amtrak’s proposed changes to the original CSX/NS RTC model as resulting in a 286% increase in delay, an 18.3% decrease in speed, and a 169.7% change in variability to TASP train services prior to Amtrak’s dubious attempts to reduce those impacts by such actions as random adjustments to freight train operating schedules. These results plainly

confirm the Port's position from the very beginning that the introduction of passenger service without sufficient mitigation will cause severe harm to railroad freight transportation, including within the Mobile terminal.

VERIFICATION

I, Robert M. Golden, verify under penalty of perjury that I have read this verified statement on behalf of the Alabama State Port Authority and the Terminal Railway Alabama State Docks, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this verified statement on behalf of the Alabama State Port Authority and the Terminal Railway Alabama State Docks.

A handwritten signature in black ink, appearing to read "Robert M. Golden", is written over a horizontal line.

Robert M. Golden

Executed on August 31, 2022.