
BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496

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

JOINT STATUS REPORT

The National Railroad Passenger Corp. (“Amtrak”), CSX Transportation, Inc. (“CSX”), Norfolk Southern Railway Company (“NS”), and the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (the “Port”) (collectively, the “Parties”), provide this joint status report to the Surface Transportation Board (the “Board”) in accordance with the Board’s order. This status report provides an update to the information the Parties previously provided on June 14, 2024 regarding: (1) the Consolidated Rail Infrastructure and Safety Improvements (“CRISI”) Grant Agreement; (2) environmental review for the Mobile Station Track Project; (3) environmental review for the CRISI Grant Agreement Projects; and (4) negotiations with the City of Mobile.

(1) Status of the CRISI Grant Agreement – As the Parties previously reported to the Board, the CRISI Grant Agreement includes both “General Terms and Conditions” and “Project Specific Terms and Conditions.” As to the General Terms and Conditions, Amtrak and the Federal Railroad Administration (“FRA”) concluded their discussions in mid-May and all issues have been resolved. The General Terms and Conditions are now finalized. As to the Project Specific Terms and Conditions, as the Parties previously reported, in March 2024, Amtrak learned that some of the included crossings in the Mississippi Grade Crossings Project have already received upgrades

and no longer need to be addressed with funding from the CRISI Grant. Amtrak has been working with the Mississippi Department of Transportation to identify suitable alternative crossings and to update the Project Specific Terms and Conditions content accordingly. Amtrak submitted a draft of the Project Specific Terms and Conditions to the FRA on July 10, 2024 and is currently awaiting formal feedback. Amtrak expects to achieve a finalized version of the Project Specific Terms and Conditions agreed upon by all parties in August 2024.

(2) Environmental Review for the Mobile Station Track Project – The Board previously inquired as to the status of National Environmental Policy Act (“NEPA”) review, Section 106 review, and Coastal Zone Management Act (“CZMA”) review for the Mobile Station Track Project.

As to NEPA and Section 106 review, Amtrak received approval of the Categorical Exclusion (“CE”) Worksheet from the FRA on June 25, 2024. At the time of submission of the Final CE Worksheet to the FRA by Amtrak, on or about May 22, 2024, all clearances had been received. However, Amtrak subsequently learned that a number of third-party utilities need to be relocated as part of the Mobile Station Track Project. The impacted third-party utilities have or are preparing proposed plans for such relocation for presentation to CSX, who will be performing the construction work on the Mobile Station Track. CSX is reviewing the plans and will incorporate such relocation into the Mobile Station Track Project work. The original NEPA and Section 106 evaluations did not account for the work required to relocate the utilities because potential impacts to existing utilities were not known at the time. If Amtrak determines that the utility relocations require ground disturbance outside of the below-ground Area of Potential Effects (“APE”) defined in Section C of the previously approved CE Worksheet, Amtrak is required to notify the FRA. The project cannot proceed with ground-disturbing activities until the FRA has reviewed and provided written notice to proceed to Amtrak. Any change to the below-ground APE will require additional

Section 106 consultation with the Alabama State Historical Preservation Office (“AL SHPO”) and other consultation parties. This additional environmental review will affect the timing of construction and the timing for the restoration of passenger service. However, the utility relocation will not affect the previously reported CZMA determination that the project will have no reasonably foreseeable effects on Alabama coastal uses or resources.

(3) Environmental Review for the CRISI Grant Agreement Projects – As the Parties previously reported to the Board, environmental review for the CRISI Grant Agreement Projects is not an explicit prerequisite for the commencement of passenger operations, however, each party to the Settlement Agreement has the right to withhold their consent to the CRISI Grant Agreement until environmental review for the CRISI Grant Agreement Projects is complete. Since the last status report, Amtrak has continued to develop a draft request for proposal and scope of work for environmental review for the CRISI Grant Agreement Projects. Amtrak and CSX also have continued their bi-weekly project team meetings to advance preliminary design work and environmental review for the CRISI Grant Agreement Projects to be constructed on CSX.

(4) Negotiations with Mobile – Amtrak and the City of Mobile have reached an agreement in principle to resolve all issues with respect to the terms of both the Lease Agreement for the Mobile Station Project and the local match funding agreement for the FRA Restoration and Enhancement (“R&E”) grant that will provide operating support for the restoration of Amtrak service. Amtrak has been meeting with the Mayor’s staff on a weekly basis to complete negotiations and finalize terms.

The Mobile City Council is considering the Lease Agreement and the R&E grant match funding agreement simultaneously. Amtrak and the Mayor’s staff brought these agreements before the City Council for consideration on July 30, 2024. A City Council vote to approve the agreements

is expected at the next meeting of the Mobile City Council on August 6, 2024. Upon execution of the Lease Agreement, a Land Disturbance Permit from the City of Mobile can be approved.

WHEREFORE, the Parties respectfully suggest that if the Parties have not notified the Board that their settlement has been fully implemented and requested dismissal of this proceeding by September 13, 2024, and if the Board has not otherwise ordered additional actions, the Parties will file an additional joint status report on that date that includes an update on the information described above.

August 1, 2024

Respectfully submitted:

/s/ Jessica Ring Amunson

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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 use of the service list, consistent with 49 C.F.R. § 1104.12.

/s/ Jessica Ring Amunson
Jessica Ring Amunson

August 1, 2024