

SERVICE DATE – FEBRUARY 11, 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

Decided: February 11, 2022

On March 16, 2021, the National Railroad Passenger Corporation (Amtrak) filed an application with the Board, pursuant to 49 U.S.C. § 24308(e), seeking an order requiring CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR) to allow Amtrak to operate additional intercity passenger trains, consisting of two round-trips per day, over the rail lines of CSXT and NSR between New Orleans, La., and Mobile, Ala.¹ By decision served on February 1, 2022, the Board announced that it will hold the first phase of a public hearing in this docket on February 15, 2022, continuing, if necessary, on February 16, 2022. The public hearing will be held virtually via Zoom and will begin 9:30 a.m. on February 15, 2022. On February 15, the Board will hear comment from the speakers identified below, through **Panel X**. The hearing will resume at 9:30 a.m. on February 16, 2022, at which time the Board will hear comment from the speakers identified in **Panel XI**, as well as responses from the Parties, if the Parties would like to provide such responses. The schedule of appearances and the time provided for each speaker are set forth in the Appendix to this decision.

Instructions for Attendance at Hearing

No later than February 14, 2022, persons scheduled to speak at the hearing will receive an email from the Board via **Hearings@stb.gov** titled “Panelist” that includes a link and instructions for how to enter the Zoom meeting. Panelists should ensure that their email addresses have been provided to the Board. Any panelist who appears on the schedule of appearances in the Appendix but has not yet provided a necessary email address must submit it to **Hearings@stb.gov** no later than February 14, 2022. Panelist links are speaker-specific and should not be forwarded or used by individuals that are observing the hearing.

To allow the Board sufficient time to engage with each panel, the Board cannot provide specific times for when each panel will be called. Accordingly, panelists will be responsible for

¹ The Board has permitted the Alabama State Port Authority and its rail carrier division, the Terminal Railway Alabama State Docks (collectively, the Port), to intervene in this proceeding. Amtrak, CSXT, NSR, and the Port will be referred to collectively herein as “the Parties.”

monitoring the progress of the hearing and ensuring they are available when it is time for their panel. Panelists may enter the Zoom meeting before their panel is called but, if they do so, they must mute their microphones and turn off their cameras until their panel is called.

Any panelist who wishes to make a visual presentation at the hearing should email a copy of the presentation to the Board at **Hearings@stb.gov** no later than February 14, 2022. Board staff will conduct a technology practice session on February 14, 2022, from 4:00 to 5:50 p.m. for panelists to test their Zoom access and ability to share slides. Panelists making visual presentations are encouraged to attend. Panelists who would like to participate in the practice session should use the “Panelist” email invitation that will be sent to them.

The hearing will be available for public viewing at <https://www.youtube.com/channel/UCgd2FPpKSpQZ57p771aafNg/live>. The hearing will be recorded, and the link to the recording will be available on the Board’s website at www.stb.gov, under the tab “News & Communications,” by clicking on “Meetings & Hearings.” Additionally, a transcript will be created and will be made available as soon as possible on the Board’s website, under the tab “News & Communications,” by clicking on “Transcripts & Statements.”

For further information regarding the hearing, contact Jonathon Binet at (202) 245-0368. Additional “Frequently Asked Questions” pertaining generally to participation in Zoom proceedings are posted on the Board’s website at www.stb.gov. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. A hearing will be held online on February 15, 2022, and on February 16, 2022, beginning at 9:30 a.m. (Eastern Standard Time) via Zoom.
2. Visual presentations should be emailed to **Hearings@stb.gov** no later than February 14, 2022.
3. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
4. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

APPENDIX
SCHEDULE OF APPEARANCES

<u>Speakers</u>	<u>Time Allotted</u>
Speaker 1	
Hon. Roger Wicker, United States Senator, Mississippi	
Speaker 2	
Hon. Amitabha Bose, Administrator, Federal Railroad Administration, U.S. Department of Transportation	
Panel I - State Senators and State Representatives	
Hon. Mac McCutcheon, Alabama State Representative and Speaker of Alabama State House of Representatives	10 minutes
Hon. Chris Elliott, Alabama State Senator	10 minutes
Hon. David Sessions, Alabama State Senator	10 minutes
Hon. Chip Brown, Alabama State Representative	10 minutes
Hon. Shane Stringer, Alabama State Representative	10 minutes
Panel II - Local Elected Officials I	
Hon. Jimmy Rafferty, Mayor, City of Pass Christian	5 minutes
City of Bay Saint Louis	3 minutes
• Kyle Lewis, City Councilman	
Hon. Paige Gebhardt Cognetti, Mayor, City of Scranton	5 minutes
Hon. Linda Pitt, Mayor, Village of Crestline	5 minutes
Hon. Satya Rhodes-Conway, Mayor, City of Madison	5 minutes
Panel III - Local Elected Officials II	
Hon. Sandy Stimpson, Mayor, City of Mobile	10 minutes

Hon. Joel Daves, Councilman, City of Mobile

10 minutes

Panel IV - Passenger Rail Supporters I

Transportation for America

5 minutes

- John Robert Smith

Southern Rail Commission

15 minutes

- Greg White, Chairman (former)
- Knox Ross, Chairman
- John Spain, Vice Chair

Rail Passengers Association

10 minutes

- Jim Mathews, President and CEO

Panel V - Trade Associations Representing Rail Carriers

Association of American Railroads

10 minutes

- Ian Jeffries, President and CEO

American Short Line and Regional Railroad Association

5 minutes

- Chuck Baker, President

Panel VI - State and Local Interests I

Alabama Department of Commerce

10 minutes

- Greg Canfield, Secretary

Economic Development Association of Alabama

5 minutes

- Jim Searcy, Executive Director

Montgomery Area Chamber of Commerce

5 minutes

- Ellen McNair, Senior Vice President

Mobile Airport Authority

5 minutes

- Chris Curry, President

APM Terminals Mobile

5 minutes

- Brian Harold, Managing Director

Alabama District Export Council

5 minutes

- Michael B. Lee, Chair

Business Council of Alabama	5 minutes
• Kellie Hope, Vice President, Community Engagement, Director of Regional Affairs – Southern Region	
Mississippi Center for Public Policy	5 minutes
• Matthew Nicaud	
Pelican Institute for Public Policy	5 minutes
• Eric Peterson	

Panel VII - State and Local Interests II

City of Pascagoula	5 minutes
• Michael Silverman, City Manager	
Southeast Louisiana Super Region	3 minutes
• Michael Hecht, President and CEO, Greater New Orleans, Inc.	
City of Mentor	5 minutes
• Kevin Malecek, Economic Development Director	
Jackson County Chamber of Commerce	5 minutes
• George Freeland, Economic Development Director	

Panel VIII - Shippers and Shipper Representatives

Darling Ingredients, Inc.	5 minutes
• Michael Rath, Senior Vice President	
Javelin Global Commodities	5 minutes
• Steve DiCarlo, Vice President – Fuel Management	
Holcim, Inc.	5 minutes
• Tom Giovinazzi, Director Rail Services	
DAK Americas LLC	5 minutes
• Alejandro Gutierrez, Vice President, Procurement and Logistics	
Manufacture Alabama	5 minutes
• Jon Barganier, Chief Operating Officer	

Panel IX - Passenger Rail Supporters II

Rail Users' Network	5 minutes
• Richard H. Rudolph, Ph.D., Chairmain	
Herzog Contracting Corp.	5 minutes
• Gregg Baxter, Director of Developing Markets	
Betty Sparkman	2 minutes
Barney T. Bishop III	2 minutes
T. Michael Hines	2 minutes
Salvatore Pace	5 minutes
Maple MaryAnn Osterbrink	3 minutes
Julius Mullins	3 minutes
Rails, Inc.	5 minutes
• J.W. Madison	

Panel X - Passenger Rail Supporters III

Northeast Ohio Areawide Coordinating Committee	5 minutes
• Grace Gallucci, Executive Director and CEO	
Riverside County Transportation Commission	5 minutes
• TBD	
Florida State Hispanic Chamber of Commerce	2 minutes
• Julio Fuentes, President and CEO	
All Aboard Arizona	5 minutes
• John James, Board Member	
All Aboard Ohio	5 minutes
• Stu Nicholson, Executive Director	

Panel XI - Others

Charles W. Moorman, President and CEO Amtrak (former) and Chairman, President, and CEO of NSR (former)	10 minutes
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Thelma Drake, Director of Virginia Department of Rail and Public Transportation (former) 5 minutes

Family Business Coalition 5 minutes

- Alex Ayers, Executive Director

Association for Innovative Passenger Rail Operations 5 minutes

- Ray Chambers, President

Calumet Area Industrial Commission 5 minutes

- Theodore Stalnos, President and CEO

Center for Individual Freedom 3 minutes

- Timothy H. Lee, Senior Vice President of Legal and Public Affairs

Taxpayers Protection Alliance 3 minutes

- Daniel Savickas, Government Affairs Manager

Consumer Action for a Strong Economy 2 minutes

- Gerard Scimeca, Chairman

Virgil G. Payne 5 minutes

Alan S. Drake 4 minutes

Alabama Mining Association 5 minutes

- Patrick V. Cagle, President

Panel XII - Responses from Parties 30 minutes
(If Requested by the Parties)

CSXT

- Raymond A. Atkins, Ph.D.

NSR

- William A. Mullins, Esq.

Port

- Robert A. Wimbish, Esq.

Amtrak

- Stephen J. Gardner, President and CEO
- Jessica Ring Amunson, Esq.