

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

January 26, 2022

303589

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Proceedings
January 26, 2022
Part of
Public Record

Re: Application of the National Passenger Railroad Corporation Under 49 U.S.C. § 24308(E) - CSX Transportation, Inc. and Norfolk Southern Railway Company, FD 36496

The U.S. Department of Transportation and the Federal Railroad Administration (collectively “DOT”) have filed a motion for leave to appear (“Motion”) at the public hearing that the Board has scheduled for February 15-16, 2022. Specifically, the Motion seeks permission for FRA Administrator Amit Bose to appear at the hearing to make a statement concerning the issues before the Board and to elaborate upon previous DOT testimony submitted in this proceeding.

As the Board is aware, throughout this proceeding, Norfolk Southern Railway Company (“NSR”) has taken the position that all members of the public, including ports, shippers, government officials, communities, and other railroads, have critical interests at stake here in the provision of rail service – freight as well as passenger – and thus should have an opportunity to express their views in this proceeding.¹ Consistent with that approach, not only should Administrator Bose be granted leave to participate in any hearing, but any other party with an interest in this proceeding should be provided a similar opportunity. For that reason, NSR authorized DOT to state that NSR did not object to its Motion.

¹ See December 9, 2022 (NSR/CSX Transportation, Inc. Statement of intent to file a reply in opposition to Amtrak’s December 6, 2021, the National Passenger Railroad Corporation’s [“Amtrak”] Motion To Strike Comments and evidence submitted by the Alabama State Port Authority and Terminal Railway Alabama State Docks (collectively, the “Port”).

BAKER & MILLER PLLC

Cynthia T. Brown
January 26, 2022
Page 2 of 2

If you have any questions regarding this, please contact me via telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com. If I am unavailable, you may contact my associate, Crystal M. Zorbaugh, by telephone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com.

Sincerely,

/s/ **William A. Mullins**

William A. Mullins
Counsel for Norfolk Southern Railway Company

cc: Parties of Record