
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

**AMTRAK’S ANSWERS AND OBJECTIONS
TO CSX’S SECOND SET OF INTERROGATORIES**

Pursuant to 49 C.F.R. § 1114.21 *et seq.*, National Passenger Railroad Corporation (“Amtrak”) hereby responds to the Second Set of Interrogatories served upon Amtrak on September 3, 2021 by CSX Transportation, Inc. (“CSX”). These answers and objections are part of ongoing discovery, and Amtrak reserves the right to supplement or amend them as appropriate, including in connection with expert discovery.

GENERAL OBJECTIONS

Amtrak incorporates by reference the General Objections made in its August 30, 2021 answers and objections to CSXT’s August 13, 2021 interrogatories directed to Amtrak.

ANSWERS AND OBJECTIONS

Interrogatory No. 19

Describe in detail what work is required at the proposed Mobile, Alabama station in order to initiate service.

Amtrak objects to this Interrogatory to the extent that it calls for information irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak answers that it anticipates that the primary work required to initiate service at the proposed Mobile, Alabama location would be installing new signage, retrofitting existing lighting and adding new lights, building a boarding pad to provide for approximately 8" above top of rail boarding and alighting, and installing one or more ADA lifts. Amtrak anticipates that secondary required work will include striping the boarding platform and painting the crosswalk; some patching of the connecting path between the public sidewalk and boarding platform may also be required. Amtrak further directs CSX to documents and communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

Interrogatory No. 20

Describe in detail what efforts Amtrak is taking to advance the construction of a "combination station and layover track at Mobile, Alabama" as set forth in Amtrak's response to CSXT's Interrogatory No. 5, including:

- A. What property rights, regulatory approvals, or other pre-conditions are required in order for Amtrak to successfully construct the combination station and layover track;**
- B. What Persons Amtrak is communicating with to acquire the necessary property rights, regulatory approvals, or other pre-conditions to successfully construct the combination station and layover track; and**
- C. What "circumstances beyond Amtrak's control" referenced in Amtrak's August 31, 2021 letter to CSXT have caused the combined station and layover track project to "not advance[] sufficiently to allow the planned layover track to be used for the restart of intercity passenger service in early 2022."**

Amtrak objects to this Interrogatory to the extent that it calls for information irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's

transportation of freight and thus is overbroad and unduly burdensome. Amtrak further objects to this Interrogatory to the extent that it calls for information or analysis that is privileged or protected against discovery by the attorney work product doctrine or otherwise. Without waiving any objection, Amtrak answers this Interrogatory as follows:

- A. It is Amtrak's understanding that it would require permission from CSX to cut in a switch from its mainline to the proposed layover track and that it would further require approval from the City of Mobile to build the station and layover track on city property.
- B. Amtrak is not presently communicating with any Person to acquire any rights, approvals, etc. in connection with the proposed station and layover track.
- C. The "circumstances beyond Amtrak's control" include the fact that the City of Mobile's project for the proposed station and layover track has not advanced past the preliminary design stage and that CSX has long opposed restoring passenger service on the Gulf Coast line.

Amtrak further directs CSX to documents and communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

Interrogatory No. 21

Describe in detail the precise location of the proposed "combination station and layover track at Mobile, Alabama."

Amtrak objects to this Interrogatory to the extent that it calls for information irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak answers that the precise location of the proposed station and layover track is 11 Government St., Mobile, AL 36602. Amtrak further directs CSX to documents and

communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

Interrogatory No. 22

Describe in detail Amtrak's use of former Track #10 (known as the "West Stub Track" or "Amtrak Track") in CSXT's Choctaw Yard, including:

- A. When the track was first used by Amtrak;**
- B. When the track was last used by Amtrak; and**
- C. The schedule of how often and for what duration Amtrak used the track including in connection with the *Gulf Coast Limited* service.**

Amtrak objects to this Interrogatory because the information it calls for is entirely irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak answers this Interrogatory as follows:

- A. Amtrak first used the track in or about April 1984.
- B. Amtrak last used the track in or about March 1997.
- C. Amtrak used the track for the storage of trains in connection with daily service that used two train consists on the line: one eastbound and one westbound. Amtrak used the track for the *Gulf Coast Limited* service from approximately April 1984 to January 1985 and again from approximately June 1996 to March 1997. Amtrak also used the track for the *Gulf Breeze* service from approximately October 1989 to April 1995.

Amtrak further directs CSX to documents and communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

Interrogatory No. 23

Describe in detail all activities Amtrak proposes to conduct at the Choctaw Yard to support and in connection with passenger service, including:

- A. Any routine maintenance activities;**
- B. Any service preparation activities;**
- C. What Amtrak personnel will need to access Choctaw Yard on a regular basis;**
- D. How long Amtrak requests access to the proposed Choctaw Yard layover facility; and**
- E. The precise physical limits of the proposed leased layover facility and where proposed activities will occur within those limits, including locations of personnel and vehicle access.**

Amtrak objects to this Interrogatory to the extent that it calls for information irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's transportation of freight and thus is overbroad and unduly burdensome. Without waiving any objection, Amtrak answers this Interrogatory as follows:

- A. Amtrak anticipates conducting minimal maintenance activities at Choctaw Yard, including minor locomotive maintenance.
- B. Amtrak anticipates performing basic train cleaning services (emptying trash) at Choctaw Yard. Amtrak further anticipates that its crews would receive routine briefings at the site.
- C. Amtrak anticipates that the following people would need to access the site on a daily basis: a conductor, an assistant conductor, an engineer, other train crew, and mechanical personnel. Amtrak anticipates that other Amtrak personnel such as managers or others conducting site visits would visit the site less frequently and perhaps less regularly.

- D. Amtrak requests access to the Choctaw Yard facility until such time as the layover track at the proposed station and layover track is operational.
- E. Amtrak anticipates needing a length of track sufficient to accommodate the planned consist of two locomotives (approximately 69 feet each) and three cars (85 feet each). Allowing adequate clearance, Amtrak estimates this length of track would be no more than 500 feet. Amtrak further anticipates needing enough space for a crew sign-up location and likely also a mechanical trailer and shed for mechanical and cleaning supplies. The precise locations of such spaces and structures as well as locations of personnel access and any vehicle access would depend upon which section of track CSX makes available to Amtrak.

Amtrak further directs CSX to documents and communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

Interrogatory No. 24

Describe in detail Amtrak's proposed operations in Mobile, Alabama until such time that a combination station and layover track is constructed, including:

- A. How long will passenger trains occupy CSXT's mainline at the Mobile station prior to its scheduled departure time and after its scheduled arrival time;**
- B. The timing of any deadhead moves between the Mobile station and Choctaw Yard; and**
- C. All activities that will be performed in Choctaw Yard.**

Amtrak objects to this Interrogatory to the extent that it calls for information irrelevant to whether resuming Amtrak passenger service on the Gulf Coast line would impair unreasonably CSX's transportation of freight and thus is overbroad and unduly burdensome. Amtrak objects to

paragraph C of this Interrogatory because it is wholly duplicative of Interrogatory No. 23. Without waiving any objection, Amtrak answers this Interrogatory as follows:

- A. Amtrak anticipates that each passenger train will occupy the CSX mainline at the Mobile station approximately 15 minutes before its scheduled departure time and approximately 15 minutes after its scheduled arrival time.
- B. Amtrak anticipates that deadhead moves between the Mobile Station and the layover track in Choctaw Yard will take approximately 15 minutes per arrival or departure. This estimated length of time includes all time spent, including getting into and out of Choctaw Yard.
- C. Amtrak states that its answers to this paragraph C are set forth in its answers to paragraphs A and B of Interrogatory No. 23 above.

Amtrak further directs CSX to documents and communications produced in response to CSX's First Request for Production of Documents to Amtrak or in response to individual interrogatories.

SUPPLEMENTAL ANSWER

Interrogatory No. 1

Although CSX's August 13, 2021 Interrogatory No. 1 applied only to CSX's First Set of Interrogatories and Amtrak therefore has no obligation to supplement its answer to Interrogatory No. 1 in the context of its answers and objections to CSX's Second Set of Interrogatories, in the interests of cooperative discovery, Amtrak nonetheless hereby supplements its answer to Interrogatory No. 1. First, Amtrak incorporates herein its August 30, 2021 answers and objections to that Interrogatory No. 1. Second, Amtrak states that in addition to certain individuals named in its answers to that Interrogatory No. 1, the following individuals contributed to Amtrak's preparation of its objections and answers to CSX's Second Set of Interrogatories:

- Jarrett Alston, AVP Transportation – Southeast Division, Amtrak
- John Bender, Senior Manager Facilities Development, Amtrak
- Lonnie Murray, Senior Director Portfolio Management, Amtrak

The individuals above may be contacted through Jenner & Block, LLP, counsel for Amtrak.

September 20, 2021

Respectfully submitted:

/s/ Kali N. Bracey

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CERTIFICATE OF SERVICE

I, Kali N. Bracey, certify that I have this day caused a copy of this document to be served upon CSX by email to counsel for CSX at the following email addresses:

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September 20, 2021

/s/ Kali N. Bracey
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