

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: May 4, 2022

On April 4, 2022, the Board commenced the evidentiary hearing phase of this proceeding, which continued on April 5, 6, 8, 12, 14, 18, and 19, involving the National Railroad Passenger Corporation (Amtrak), CSX Transportation, Inc. (CSXT), Norfolk Southern Railway Company (NSR), and the Alabama State Port Authority and its rail carrier division, the Terminal Railway Alabama State Docks (collectively, the Port).¹ As discussed by the Board and the Parties in the hearing session on April 19, because the hearing could not be concluded by April 19, the evidentiary hearing will continue on **May 9 and 11, 2022**, in person in the hearing room at the Board's headquarters, beginning at 9:30 a.m. (Eastern Daylight Time) each day. Hearing participants who are unable to attend in person—with the exception of witnesses who are expected to testify on May 9 and/or 11—may attend the hearing via Zoom. The hearing will also be available for public viewing on YouTube.

Instructions for Attendance at Hearing

All persons attending the hearing must use the main entrance to the Board's headquarters, located at 395 E Street, S.W. Seating in the hearing room is limited and will be made available first to the Parties. The building will be open to the public at 8:00 a.m. There is public parking in the building. The two closest Metro stops are Federal Center S.W. (3rd and D Streets, S.W., serving the Blue, Orange, and Silver Lines) and L'Enfant Plaza (6th and D Streets, S.W., serving the Yellow, Green, Blue, Orange, and Silver Lines).

The Centers for Disease Control and Prevention recommends using county COVID-19 community levels to help determine which COVID-19 prevention measures should be utilized and when.² As of the latest update, which was released on April 28, 2022, the community level in the District of Columbia (where the STB is located) is low. Please consult the Board's

¹ Amtrak, CSXT, NSR, and the Port will be referred to herein as "the Parties."

² COVID-19 Community Levels, <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>.

website at www.stb.gov under the “STB Procedures Concerning COVID-19” banner for any updates on COVID-19 requirements for visitors.

Upon arrival, check in at the security desk in the main lobby. Be prepared to produce valid photographic identification (driver’s license or local, state, or federal government identification); sign in at the security desk; submit to an inspection of all briefcases, handbags, etc.; and pass through a metal detector. Persons who exit the building during the hearing will be subject to these security procedures again if they choose to re-enter the building.

Laptops and recorders may be used in the hearing room, and Wi-Fi will be available.³ Cell phones may be used quietly in the corridor outside the hearing room or in the building’s main lobby.

Members of the media should contact Michael Booth in the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-1760 if they plan to attend the hearing.

The hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245 by the close of business on May 5, 2022.

The hearing will be available for public viewing at <https://www.youtube.com/channel/UCgd2FPpKSpQZ57p771aafNg/live>. A link to the hearing can also be accessed through the Board’s website at www.stb.gov, under “Quick Links” on the homepage, by clicking on “WATCH LIVE HEARINGS HERE.” If confidential or highly confidential materials are to be presented, all attendees who are not authorized to view the confidential or highly confidential information will be asked to leave the hearing room during the presentation of such information, “breakout rooms” will be used if there are hearing participants attending via Zoom, and the YouTube stream of the hearing will be interrupted.

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. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. The evidentiary hearing will continue in the hearing room of the Board’s headquarters, located at 395 E Street, S.W., Washington, DC 20423-0001, on May 9 and 11, 2022, beginning each day at 9:30 a.m. (Eastern Daylight Time).

³ The password will be available in the hearing room.

2. This decision is effective on its service date.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.