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May 17, 2021

Via E-Filing

Mr. Martin J. Oberman, Chairman
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

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Office of Proceedings
May 17, 2021
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Public Record

RE: Docket No FD 36496, *Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(e) – CSX Transp., Inc. and Norfolk S. Ry. Co.*

Dear Chairman Oberman:

The *Rail Passengers Association*, also known as the National Association of Railroad Passengers, is the nation’s oldest and largest organization speaking for the nearly 40 million Americans who rely on passenger rail of all kinds every year. The *Association* is submitting this letter to the above-referenced docket based on the significant interest of our members who travel on Amtrak and rail passengers who have waited for many years to take advantage of restored passenger rail service on the Gulf Coast.

The *Association* strongly supports the application of petitioner National Railroad Passenger Corp. (“Amtrak”) for an expedited proceeding in this matter, as well as the request for an interim order compelling CSX and Norfolk Southern to permit Amtrak sufficient access to move forward with the preparations needed to begin service in early 2022 without delay.

We believe that on the facts and the law, Amtrak has a compelling argument. The overriding principle at play is Amtrak’s legal right to access freight railroad tracks for a fair and reasonable cost. CSX has said it will take more than \$2 billion in investment to accommodate a single passenger train every 12 hours, and that Amtrak’s proposed operations would paralyze rail operations at the Port of Alabama in Mobile. Despite this claim, however, CSX has offered no concrete details on how precisely a single train, spending a few minutes transiting to park for several hours on a siding off the main line, can possibly bring freight traffic to a halt.

Officials from Louisiana, Mississippi and Alabama, as well as Amtrak, the Gulf Coast Working Group and the Federal Railroad Administration have repeatedly noted that adding two daily trains to a corridor which today serves between six and eight trains would not significantly congest operations. The GCWG’s capital estimates for needed upgrades along the route in 2016 came to \$117.7 million – 94.9 percent lower than CSX’s \$2.3 billion estimate. To the contrary, the Gulf Coast Working Group’s results reported in 2017 suggest very little impact to freight operations, while also detailing tangible economic benefits to the communities served that would more than offset any real costs. Viewed in this light, CSX’s demand for \$2 billion is neither reasonable nor fair.

Our members' larger concern, however, focuses on the potential precedent this behavior sets for future passenger rail expansion anywhere in the U.S. If a freight railroad can operate in bad faith to draw out the process to restore passenger train service along a single corridor for longer than a decade, as has happened here, there is little hope for new passenger rail projects anywhere in the U.S.

One could conclude that CSX and Norfolk Southern were simply dissatisfied with the 2017 study results and will delay moving forward until a study can be produced that will foreclose launching any new services. Restoration of this service is therefore important to more than just the Gulf Coast region, which stands to benefit from hundreds of millions of dollars in visitor spending and economic growth each year stemming from the service. It is vitally important to the advancement of new passenger rail in the United States.

Respectfully submitted,



Jim Mathews
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1967



1990



2011



2017



CERTIFICATE OF SERVICE

I hereby certify that I have caused the attached letter to be served electronically or by first-class mail on all parties of record in this proceeding.



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