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CSXT/PAR-9

VIA E-FILING

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

Re: STB Docket No. FD 36472, CSX Corporation and CSX Transportation, Inc., et al.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company

Dear Ms. Brown:

On May 17, 2021, the National Railroad Passenger Corporation (“Amtrak”) submitted a Notice of Intent to Participate in the above-captioned proceeding. CSX¹ will respond to any comments that Amtrak may submit when the STB establishes a schedule for comments and replies.

In the meantime, CSX objects to Amtrak’s use of its Notice to advance in this proceeding disputed claims about a proposed new Gulf Coast passenger service that Amtrak is pursuing in unrelated pending litigation before the STB (the “Gulf Coast litigation”).² The issues in that proceeding are not relevant here. Amtrak’s attempt to inject its Gulf Coast claims into this proceeding is inappropriate and unfair to a whole host of parties in the Gulf Coast litigation that are not here to defend their positions, including numerous third party stakeholders—including the Port of New Orleans, multiple Alabama industry associations, and the entire Alabama congressional delegation—who have concerns about potential impairment to customer freight,

¹ The acronyms and defined terms used in this letter are the same as those used in the Amended Application filed in the above-captioned proceeding.

² See *Application of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(e) – CSX Transportation, Inc. and Norfolk Southern*, Docket No. FD 36496.

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the funding of any necessary infrastructure and Amtrak's decision to abandon the agreed upon impact study of the line. Nothing would be gained by having Amtrak's contentious posturing in that case spill over into this proceeding.

CSX respectfully requests that the STB disregard Amtrak's gratuitous comments in its Notice about an unrelated proceeding and address any comments that Amtrak may have on the Proposed Transaction within the schedule that the STB will establish in this proceeding.

Respectfully submitted,

/s/ Anthony J. LaRocca

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Peter W. Denton

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*Attorneys for CSX Corporation and
CSX Transportation, Inc.*

cc: Louis E. Gitomer
All parties of record