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October 8, 2021

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

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

Notice of appearance of counsel and notice of intent to participate

Dear Ms. Brown:

The Alabama State Port Authority (“ASPA”) and its terminal railroad operating division, the Terminal Railway Alabama State Docks (“TASD” – and collectively with ASPA, the “Port”) hereby give notice of appearance of the undersigned counsel for each, and give notice of the Port’s intent to present evidence and argument in this proceeding as its interests may appear, in keeping with the Surface Transportation Board’s (the “Board”) recognition of the Port’s particular interest in the outcome of this proceeding.

ASPA filed comments at earlier phases in this National Railroad Passenger Corporation (“Amtrak”)-initiated proceeding on April 5 and April 26, 2021 (the latter corrected by an errata filing of April 27, 2021). In those comments, ASPA cautioned against initiating this proceeding absent the completion of a joint traffic study that would, among other things, account for potential adverse regional impacts to railroad freight movements in and around Mobile – impacts that the Port believes, based upon recent experience on this issue, Amtrak has disregarded and will continue purposely to overlook. ASPA indicated that, absent thorough traffic impacts analysis and appropriate mitigation, Amtrak’s proposal to establish new intercity passenger service to and from Mobile over a single-track railroad corridor owned by CSX Transportation, Inc. (“CSXT”) (including within the congested and

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complex Mobile terminal area) would impose substantial – and unprecedented – demands upon exiting railroad infrastructure. As such, ASPA is gravely concerned that Amtrak’s proposal would severely impede the flow of railroad freight traffic moving within, to and from the Port of Mobile, thereby diminishing ASPA’s ability to compete with other ports for rail-borne traffic, and compromising the service reliability of the various railroad carriers that competitively serve ASPA’s port facilities, including T ASD.

In its procedural order served on August 6, 2021 (“August 6 Order”), the Board recognized the Port’s concerns, and acknowledged the need for careful traffic impacts analysis and mitigation assessment to assure that rail freight service in and around the Port of Mobile is not unduly harmed by Amtrak’s service proposal. Specifically, the Board assured “Alabama state leadership” and certain “port entities” that this proceeding “will provide a forum to assess precisely the matter of concern.” August 6 Order, 7. Nonetheless, the Board’s procedural schedule leaves unclear how the entities identified in the August 6 Order (including ASPA, which is a party of record) are expected to take part in this “forum,” because the order facially contemplates presentation of evidence and argument only by CSXT, Norfolk Southern Railway Company (“NSR”), and Amtrak, notwithstanding the Board’s aforementioned assurance to consider ASPA’s concerns under the agency’s 49 U.S.C. § 24308(e) mandate.

The Port is confident that the Board did not intend to foreclose its participation in this proceeding, given the express recognition of Alabama’s concerns as outlined in ASPA’s prior comments. Moreover, while the Port’s freight traffic interests and requested mitigation could coincide with those of CSXT and NSR, the Port’s interests also may diverge from either or both of those Class I carriers. And that is why the Port must be afforded the full use of this forum to assure that all railroad freight service in the vicinity of the Port of Mobile is considered and adequately protected, a matter which the Port alone is uniquely qualified to address. Accordingly, the Port will present its opening evidence and argument on November 3, 2021 (assuming the Board acts as expected to grant a pending multi-party extension request), and at other prescribed filing intervals in this proceeding as may prove necessary thereafter.

Please contact the undersigned counsel for ASPA and T ASD should you have any questions. In addition, kindly accept this filing as notice of appearance of legal counsel on behalf of both ASPA and T ASD, and update this proceeding’s service list accordingly. Thank you for your consideration.

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Respectfully submitted,

/s/ R. A. Wimbish

Robert A. Wimbish
Counsel for Alabama State Port Authority and
Terminal Railway Alabama State Docks

cc: All parties of record