

EXPEDITED CONSIDERATION REQUESTED

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 RENEWED REQUEST FOR AN INTERIM ACCESS ORDER DIRECTED
TO NORFOLK SOUTHERN RAILWAY COMPANY**

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AMTRAK’S RENEWED
REQUEST FOR AN INTERIM ACCESS ORDER
DIRECTED TO NORFOLK SOUTHERN RAILWAY COMPANY

The National Passenger Railroad Corporation (“Amtrak”) respectfully renews its request to the Surface Transportation Board (“the Board”) for an interim order requiring Norfolk Southern Railway (“NS”) to provide Amtrak with access to its rail lines so that Amtrak can perform necessary preparations for the restoration of the *Gulf Coast* service. Specifically, Amtrak has repeatedly requested that NS work with Amtrak to begin scheduling crew qualification trains that are required to ensure that Amtrak can safely and reliably operate the *Gulf Coast* service. Unfortunately, despite the Board’s admonition that the parties should work together to resolve areas of disagreement such as this as much as possible, NS has refused Amtrak’s requests. Amtrak therefore petitions the Board to order NS to work with Amtrak to schedule the crew qualification runs that are critical to ensure the safety of Amtrak’s passengers and employees.

BACKGROUND

On March 16, 2021, Amtrak filed an application with the Board, pursuant to 49 U.S.C. § 24308(e), seeking an order requiring CSX Transportation, Inc. (“CSX”) and NS to allow Amtrak to reinstate the *Gulf Coast* service by operating additional intercity passenger trains, consisting of

two round-trips per day, over the rail lines of CSX and NS between New Orleans and Mobile beginning on or about January 1, 2022. (Appl. at 1.)

As part of its application, Amtrak also requested that the Board issue an interim order requiring CSX and NS to provide Amtrak with access to their rail lines so that Amtrak could perform all necessary preparations for *Gulf Coast* service to restart. As Amtrak explained, “if Amtrak is to begin the Gulf Coast Service on or about January 1, 2022, it will need access to the rail lines in the interim in order to have enough lead time to make the improvements recommended in the Gulf Coast Working Group’s report, allocate and ready the equipment, *train and qualify the employees*, and take other steps necessary to ensure the safe operation of the Gulf Coast Service.” (*Id.* at 6 (emphasis added).)

CSX and NS moved to dismiss Amtrak’s application. As part of that motion, CSX and NS argued that an interim order was not necessary and the Board was not authorized to issue interim orders under 49 U.S.C. § 24308(e). (Mot. to Dismiss at 26.) Amtrak responded by noting that if CSX and NS were willing to stipulate to voluntarily providing Amtrak with needed access, then an interim order may not be necessary. (Opp. to Mot. to Dismiss at 18-19.)

When Amtrak then reached out to CSX and NS to explore their willingness to allow Amtrak access to their properties and personnel to make necessary preparations for the *Gulf Coast* service, those inquiries initially were successful. Consequently, in a filing with the Board on July 6, 2021, Amtrak advised the Board that NS had assured Amtrak that “Amtrak’s existing service over NS lines in New Orleans would fully facilitate Amtrak’s access to the safety and operational information Amtrak sought to obtain.” (Notice Regarding Amtrak’s Pending Request for Interim Order at 2.)

On August 5, 2021, the Board denied CSX’s and NS’s motion to dismiss, granted Amtrak’s application to institute a proceeding pursuant to 49 U.S.C. § 24308(e), and established a procedural schedule. Specifically as to Amtrak’s initial request for an interim order, the Board found that the developments reported in Amtrak’s July 6, 2021 filing had rendered that request moot because it “appears that Amtrak has received the limited, non-interfering access it sought.” *Application of the National Passenger Railroad Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company*, FD 36496, slip. op. at 11 (S.T.B. served Aug. 6, 2021) [hereinafter “Order”]. The Board noted it was “pleased that the parties have been able to work together to reach a suitable accommodation on this particular issue and expects them to continue to resolve areas of disagreement such as this as much as possible.” (*Id.*)

Unfortunately, CSX and NS have not always cooperated with Amtrak as the Board had expected. Consequently, Amtrak filed a motion with the Board on October 20, 2021, renewing its request for an interim access order to address CSX’s refusal at that time to allow Amtrak to conduct an engineering survey of CSX’s Choctaw Yard as a site for a temporary layover track for the *Gulf Coast* service. (Renewed Request for an Interim Order at 1-2.) CSX’s refusal was predicated, in part, on its argument that allowing Amtrak access to Choctaw Yard to make preparations for the *Gulf Coast* service was unreasonable and premature because the Board had not yet ordered that the *Gulf Coast* service could commence.¹

On November 29, 2021, over CSX’s objection, the Board ordered that Amtrak’s request for access to conduct an engineering survey at Choctaw Yard was reasonable and that it would be

¹ See CSX Resp. to Amtrak’s Renewed Request for an Interim Order at 1 (complaining that “Amtrak is seeking a blank check to perform whatever work it wants for this new Gulf Coast service ... without any finding by the Board that the carriers are obligated to permit this new service to begin in the first place”).

granted. *Application of the National Passenger Railroad Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company*, FD 36496, slip. op. at 2 (S.T.B. served Nov. 29, 2021)

While Amtrak's requests for access to Choctaw Yard with CSX were being worked out, Amtrak also was in discussions with NS and CSX about receiving access to their rail lines in order to conduct critical train runs to qualify Amtrak crews to safely operate the *Gulf Coast* service. On November 2, 2021, following weeks of discussions, Amtrak submitted a formal request to NS to operate crew qualification trains on NS rail lines. (See Ex. A, Letter from J. Blair to R. Hunt, Nov. 2, 2021.) As Amtrak explained, it required approval from NS to operate qualification trains between East City Junction and Elysian Fields. (*Id.*) Amtrak stated that it would coordinate with NS operating personnel on the exact dates, times, and details of those qualifying runs and noted that, consistent with previous crew qualification efforts on other lines, NS would be compensated for these qualification runs in accordance with the terms of the parties' operating agreement. (*Id.*)

NS responded on November 30, 2021, stating that Amtrak's request was "unreasonable" and "premature." (See Ex. B, Letter from R. Hunt to J. Blair, Nov. 30, 2021.) Echoing the same arguments CSX had made in its opposition to allow Amtrak access to do an engineering survey of Choctaw Yard, NS argued that "Amtrak's request to begin crew qualifications on NSR lines is ... premature given the ongoing litigation that will dictate if/when the Gulf Coast service is ever initiated." (*Id.*) NS also characterized Amtrak's qualification plan focused on ensuring safety as "unnecessary" and "prolonged." (*Id.*)

On December 20, 2021, Amtrak again wrote to NS explaining that because Amtrak is responsible for the safety of its passengers and employees, Amtrak was in the best position to determine the appropriate means of crew qualification to ensure the safe restoration of the *Gulf*

Coast service. (See Ex. C, Letter from J. Blair to R. Hunt, Dec. 20, 2021.) Amtrak further expressed surprise at NS’s rejection given that discussions about the need for crew qualification had been ongoing for months and that Amtrak’s plan for crew qualification was similar to what NS had previously agreed to with respect to a service extension on another line in the recent past. (*Id.*) After NS failed to respond to that letter, Amtrak followed up again with NS and was informed as of January 20, 2022, that NS’s position had not changed. (See Ex. D, Emails between J. Blair and R. Hunt, Jan. 19-20, 2022.)

NS’s position with respect to allowing Amtrak to run crew qualifying trains stands in contrast to CSX’s position. CSX has agreed to allow Amtrak to qualify its crews and has simply asked for “the number of crews that will need to be qualified to support the proposed new Gulf Coast service” and the “precise dates when those crews will be ready to begin such qualifications.” (See Ex. E, Letter from A. Daly to J. Blair, June 30, 2021.)

Despite the Board’s admonition in its Order that the parties should “continue to resolve areas of disagreement such as [interim access requests] as much as possible,” (Order at 11), NS has been unwilling to allow Amtrak access to its rail lines to perform crew qualification runs, which are critical to ensuring the safe restoration of the *Gulf Coast* service. Accordingly, Amtrak hereby renews its request for an interim access order.

ARGUMENT

NS’s refusal to cooperate with Amtrak on scheduling crew qualification trains illustrates yet again why Congress enacted Section 24308(e). Congress was so “concerned about the lack of cooperation private freight railroads have demonstrated toward Amtrak,” and believed it was so “important that Amtrak have available to it an expedited procedure for making necessary modifications or additions to its operations,” that it enacted Section 24308(e) for Amtrak to “secure

expeditious relief from such intransigence.”² In refusing to cooperate with Amtrak on scheduling crew qualification trains, NS simply wants to ignore the basic bargain made when Congress created Amtrak: “as a condition of relief from their common-carrier duties,” freight railroads must “allow Amtrak to use their tracks and facilities” and indeed must give Amtrak “preference over freight transportation in using rail lines, junctions, and crossings.” *Dep’t of Transp. v. Ass’n of Am. R.R.*, 575 U.S. 43, 46-47 (2015).

In opposing Amtrak’s request to begin crew qualification, NS has simply recycled the same arguments the Board already rejected in granting Amtrak’s request for interim access to perform an engineering survey at CSX’s Choctaw Yard. There, too, CSX argued that such access was unnecessary and premature unless and until the Board orders the *Gulf Coast* service can go forward. But as Amtrak explained when it filed its initial application now almost a year ago, the *Gulf Coast* service cannot be restored overnight. Instead, Amtrak explained, Amtrak would “need access to the rail lines [of CSX and NS] in the interim in order to ... allocate and ready the equipment, train and qualify the employees, and take other steps necessary to ensure the safe operation of the Gulf Coast Service.” (Appl. at 6.) NS’s position that Amtrak must wait until this Board “dictate[s] if/when the Gulf Coast service is ever initiated,” (Ex. B), is yet another in a long series of delay tactics. And NS’s position puts safety at risk. It goes without saying that once the *Gulf Coast* service is restored, there must be employees who are fully trained and ready to safely and reliably operate the service.

Thus, Amtrak respectfully renews its request for an interim order directed at NS. Although CSX and NS previously claimed that such an order would not be statutorily authorized, the Board has already granted Amtrak’s prior request in this proceeding. That grant was fully consistent with

² H.R. Rep. No. 96-1041, at 42 (1980) (Conf. Rep.); H.R. Rep. No. 96-839, at 20-21 (1980).

how the Board has exercised its inherent authority in other cases arising under Section 24308. For example, in both *Amtrak and Kansas City Southern Railway and Louisiana & Arkansas Railway—Use of Tracks and Facilities and Establishing Just Compensation*, FD 29890 (I.C.C. served Apr. 9, 1982), and *Amtrak and Louisiana & Arkansas Railway—Use of Tracks and Facilities Establishing Just Compensation*, FD 30557 (I.C.C. served Oct. 1, 1984), the Board entered interim orders requiring the freight railroads to allow Amtrak to operate inspection trains to assess rail lines on which Amtrak was considering initiating service. More recently, the Board entered an interim order under Section 24308(a) requiring a host railroad to continue to provide tracks and facilities for Amtrak’s use, having found that such order was necessary under the circumstances. *See Application of the Nat’l R.R. Passenger Corp. Under 49 U.S.C. 24308(a)—Canadian Nat’l R.R. Co.*, FD 35743, slip op. at 3 (S.T.B. served Aug. 9, 2013). The Board’s authority is not as circumscribed as CSX and NS have argued.

Amtrak hopes that it will not have to petition the Board again to intervene in what should be a cooperative process among the parties of ensuring that the Gulf Coast service can be restored safely and reliably.

CONCLUSION

Amtrak respectfully requests that the Board issue an interim order requiring NS to work with Amtrak to schedule crew qualifying trains as requested in Amtrak's November 2, 2021, letter to NS.

February 10, 2022

Respectfully submitted:

/s/ Jessica Ring Amunson

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Chief Legal Officer, General Counsel
& Corporate Secretary
National Railroad Passenger Corporation
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(202) 906-3971

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*Counsel for National Railroad
Passenger Corporation*

CERTIFICATE OF SERVICE

I, Jessica Ring Amunson, certify that I have this day served copies of this document upon all parties of record in this proceeding, by email on the service list to Finance Docket No. 36496.

February 10, 2021

/s/ Jessica Ring Amunson
Jessica Ring Amunson

EXHIBIT A



November 2, 2021

Mr. Randall Hunt
NRPC Operations Officer
Norfolk Southern Corporation
Amtrak Operations Box 158
1200 Peachtree Street, NE
Atlanta, GA 30309

Re: Gulf Coast Qualification Trains

Dear Randy:

As you are aware, on May 17, 2021 Amtrak's counsel received a letter from William Mullins, counsel for Norfolk Southern Railway Company ("NS"), in response to Amtrak's request for certain support to begin the preparations for restoration of the Gulf Coast Service. Per the NS response and our subsequent conversations, I am writing to clarify the access Amtrak needs to NS lines to advance this project.

As the May 17 NS letter indicates, Amtrak currently has timetables, qualified employees, and the ability to qualify new employees on the NS segment between East City Junction and Oliver Junction for the purpose of Amtrak's *Crescent* service. Amtrak currently has no qualified personnel for the rail lines of CSXT, between Elysian Fields and points east. To qualify crews in an efficient manner and to avoid reversing movements and initializing Positive Train Control on the mainline, Amtrak plans to operate each qualification train back to Amtrak's New Orleans passenger terminal.

Accordingly, Amtrak requests NS approval to operate qualification trains over the rail lines of NS between East City Junction and Elysian Fields, up to two times per day, for the purpose of qualifying Amtrak crews on the rail lines of both NS and CSXT. Amtrak expects qualification trains to operate up to six days per week for a period of several months and will coordinate with designated NS operating personnel on the exact dates, times, and details of these qualifying runs.

Consistent with previous crew qualification efforts, NS would be compensated for the operation of these qualification trains in accordance with Item 21, the Special Trains provision of the February 1, 2006 Amtrak-NS Off-Corridor Operating Agreement.

Please let me know by no later than November 30, 2021 whether NS approves the operation as proposed.

Sincerely,

A blue ink signature of Jim Blair, consisting of a stylized, cursive script.

Jim Blair
Sr. Director Host Railroads

cc: Jarrett Alston - Amtrak
Doug Reisner - Amtrak
Kyle Montgomery - Amtrak

EXHIBIT B



Norfolk Southern Corporation
Network Planning & Optimization
650 West Peachtree Street NW, Box 38
Atlanta, Georgia 30308

Randall W. Hunt
Senior Director Interline Services
C: (412) 807-9085
F: (757) 823-5927
e-mail: rwhunt@nscorp.com

November 30, 2021

Mr. Jim Blair
Senior Director Host Railroads
National Railroad Passenger Corp.
30th Street Station – 4th Floor North, Box 20
Philadelphia, PA 19104
via electronic mail

Jim:

I am writing in response to your letter of November 2, 2021 concerning Amtrak's request to operate crew qualification runs over Norfolk Southern Railway Company ("NSR") trackage for purposes of preparing Amtrak personnel for the operation of intercity passenger trains between New Orleans, LA and Mobile, AL (the proposed "Gulf Coast Service"). I appreciate the additional clarity your letter provided concerning the nature of Amtrak's ongoing request.

Notwithstanding Amtrak's stated expectation that crew qualification operations would continue "over a period of several months," NSR believes such a prolonged qualification operation would be unnecessary and significantly beyond any reasonable timeframe during which a certified conductor or engineer would be expected to become qualified on the physical characteristics of a new operating territory. Realistically, a certified conductor or engineer would be qualified on a new territory after a finite number of round-trip runs that could easily be completed in a matter of days or weeks at the longest. Amtrak's expectation of several months exceeds even the most generous amount of time that is typical for qualification and, without any additional details outlining the basis for such an extended period of time, appears unnecessary.

Additionally, it remains likely that significant infrastructure improvements will be required on the lines of NSR and CSXT prior to any initiation of Gulf Coast Service. Accordingly, any qualification operations that might commence before this infrastructure is installed and placed in service would inevitably need to be repeated entirely following the installation of the required infrastructure. It does not serve either of our interests to go through the necessary effort to qualify employees on a territory where physical characteristics are likely to change through infrastructure modifications that will be required prior to service initiation.

Accordingly, the appropriate timing of any crew qualification operations must be closely linked to an actual initiation of service to avoid the potential need to requalify employees if too much time passes or infrastructure changes are made between crew qualification and service initiation. With no clarity now as to if/when the Gulf Coast Service will ever be initiated, beginning crew qualification operations at this time would be premature.

For the foregoing reasons, NSR believes Amtrak's request to begin crew qualifications on NSR lines is unreasonable as to the time stated to be necessary to complete such training, and is also premature given the ongoing litigation that will dictate if/when the Gulf Coast Service is ever initiated and whether the physical characteristics of the line will change through infrastructure improvement prior to service initiation. As always, NSR remains committed to working with Amtrak to implement the proposed Gulf Coast Service, including permitting the necessary crew qualification operations for Amtrak's certified engineers and conductors, at such time as those operations are appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall W. Hunt". The signature is fluid and cursive, with the first name "Randall" and last name "Hunt" clearly distinguishable.

Randall W. Hunt

cc: J Alston, Amtrak
D Reisner, Amtrak
K Montgomery, Amtrak
William Mullins, NSR Counsel
T Zoeller, NSR
J Edwards, NSR

EXHIBIT C



December 20, 2021

Mr. Randall Hunt
NRPC Operations Officer
Norfolk Southern Corporation
Amtrak Operations Box 158
1200 Peachtree Street, NE
Atlanta, GA 30309

VIA EMAIL

Dear Randy:

I am in receipt of your response to me of November 30 to my letter to you of November 2 (both attached). We are surprised by NS' rejection of our request to soon begin qualifying Amtrak crews in advance of relaunching Gulf Coast service. Multiple Amtrak managers have been communicating with you directly for months now regarding this request. We also take strong exception to your assertions that the timing of our qualification plan is "premature," that the duration of that plan "appears unnecessary," and that our request is "unreasonable." Amtrak's plan for qualification for the Gulf Coast service is similar to what Amtrak and NS agreed to for the Roanoke service extension just a few years ago. As the party responsible for the safety of our passengers and employees, Amtrak should be allowed to determine the appropriate timing and duration of crew qualification to ensure the safe restoration of Gulf Coast service.

We are disappointed in NS' rejection of Amtrak's request, and believe that it is not consistent with the STB's expectation, expressed in its August 6, 2021 decision denying CSX's and NS' Motion to Dismiss, that Amtrak and NS, "continue to resolve areas of disagreement such as this as much as possible."

We ask that NS reconsider its position in this matter and advise, not later than January 14, 2022, whether it will permit Amtrak to begin scheduling crew qualification trains in the subsequent weeks, to ensure the safe restoration of Gulf Coast service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Blair", with a stylized flourish at the end.

Jim Blair
Director, Host Railroads

Cc:	Mike Carrino	-	Amtrak
	Jarrett Alston	-	Amtrak
	Doug Reisner	-	Amtrak
	Kyle Montgomery	-	Amtrak

EXHIBIT D

From: Hunt, Randall W. <Randall.Hunt@nscorp.com>

Sent: Thursday, January 20, 2022 8:32 AM

To: Blair, Jim <BlairJ@amtrak.com>

Cc: Alston, Jarrett <AlstonJ@amtrak.com>; Reisner, Douglas <Douglas.Reisner@amtrak.com>; Montgomery, Kyle <Kyle.Montgomery@amtrak.com>; Carrino, Michael <Michael.Carrino@amtrak.com>; Lanzon, Christine <LanzonC@amtrak.com>; WMullins@bakerandmiller.com; 'CZorbaugh@bakerandmiller.com' <CZorbaugh@bakerandmiller.com>

Subject: RE: Request for Gulf Coast Qualification Runs

ATTENTION: This email originated outside of Amtrak. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jim:

Norfolk Southern has reviewed your correspondence from December 20, 2021, and our position has not changed from that stated in our letter of November 30 (attached).

RWH

Randall W. Hunt
Senior Director – Interline Services
Norfolk Southern Corporation
650 W Peachtree St NE – Box 38
Atlanta, GA 30308
(c) 412-807-9085
(f) 757-823-5927
randall.hunt@nscorp.com

From: Blair, Jim <BlairJ@amtrak.com>

Sent: Wednesday, January 19, 2022 8:10 PM

To: Hunt, Randall W. <Randall.Hunt@nscorp.com>

Cc: Alston, Jarrett <AlstonJ@amtrak.com>; Reisner, Douglas <Douglas.Reisner@amtrak.com>; Montgomery, Kyle <Kyle.Montgomery@amtrak.com>; Carrino, Michael <Michael.Carrino@amtrak.com>; Lanzon, Christine <LanzonC@amtrak.com>

Subject: [EXTERNAL] FW: Request for Gulf Coast Qualification Runs

Randy,

We have not received a response from NS to the attached communication. We understand NS' lack of response to mean that NS will not permit Amtrak to begin scheduling crew qualification trains for the restoration of Gulf Coast service.

Jim Blair

AVP Host Railroads

Amtrak | 30th Street Station | 4th Floor North; Box 20 | Philadelphia, PA 19104

Email: blairj@amtrak.com | office: 215.349.2787 | cell: 215.316.1857



1971 – 2021

The future rides with us

From: Blair, Jim

Sent: Monday, December 20, 2021 8:16 AM

To: Hunt, Randall W. <Randall.Hunt@nscorp.com>

Cc: Alston, Jarrett <AlstonJ@amtrak.com>; Reisner, Douglas <Douglas.Reisner@amtrak.com>; Montgomery, Kyle <Kyle.Montgomery@amtrak.com>; Carrino, Michael (Michael.Carrino@amtrak.com) <Michael.Carrino@amtrak.com>

Subject: RE: Request for Gulf Coast Qualification Runs

Randy:

Please find Amtrak's response to your letter to me of November 30, 2021 regarding Gulf Coast service crew qualification.

Jim Blair

AVP Host Railroads

Amtrak | 30th Street Station | 4th Floor North; Box 20 | Philadelphia, PA 19104

Email: blairj@amtrak.com | office: 215.349.2787 | cell: 215.316.1857



1971 – 2021

The future rides with us

From: Hunt, Randall W. <Randall.Hunt@nscorp.com>

Sent: Tuesday, November 30, 2021 7:20 PM

To: Blair, Jim <BlairJ@amtrak.com>

Cc: Alston, Jarrett <AlstonJ@amtrak.com>; Reisner, Douglas <Douglas.Reisner@amtrak.com>; Montgomery, Kyle <Kyle.Montgomery@amtrak.com>; 'WMullins@bakerandmiller.com' <WMullins@bakerandmiller.com>; Zoeller, Thomas <Thomas.Zoeller@nscorp.com>; Edwards, John, V (Planning) <John.Edwards@nscorp.com>

Subject: RE: Request for Gulf Coast Qualification Runs

ATTENTION: This email originated outside of Amtrak. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Jim:

Please find attached NS' response to your letter of November 2.

Thank you,

RWH

Randall W. Hunt
Senior Director – Interline Services
Norfolk Southern Corporation
650 W Peachtree St NE – Box 38
Atlanta, GA 30308
(c) 412-807-9085
(f) 757-823-5927
randall.hunt@nscorp.com

From: Blair, Jim <BlairJ@amtrak.com>
Sent: Tuesday, November 2, 2021 11:45 AM
To: Hunt, Randall W. <Randall.Hunt@nscorp.com>
Cc: Montgomery, Kyle <Kyle.Montgomery@amtrak.com>; Reisner, Douglas <Douglas.Reisner@amtrak.com>; Alston, Jarrett <AlstonJ@amtrak.com>
Subject: [EXTERNAL] Request for Gulf Coast Qualification Runs

Randy:

Per our discussion several weeks ago, attached please find Amtrak's request to operate crew qualification trains on NS rail lines in connection with the restoration of Amtrak service to the Gulf Coast.

Please acknowledge receipt of this email via email and let me know if you have any questions.

Jim Blair
AVP Host Railroads
Amtrak | 30th Street Station | 4th Floor North; Box 20 | Philadelphia, PA 19104
Email: blairj@amtrak.com | office: 215.349.2787 | cell: 215.316.1857



EXHIBIT E



3019 Warrington Street J500
Jacksonville, FL 32254
Office (904) 359-3568
Email Andy_Daly@csx.com

June 30, 2021

Mr. Jim Blair
Senior Director - Host Railroads
National Railroad Passenger Corporation
30th Street Station, 4 Floor North
Box 20
Philadelphia, PA 19104

RE: Gulf Coast Service

Dear Jim,

This letter responds to your letter of June 16, 2021, requesting Amtrak access to CSX properties and resources to allow Amtrak to complete activities in preparation for the possible commencement of new passenger service on the Gulf Coast.

CSX agrees to the request. Attached to this letter is a list of the appropriate CSX representatives that Amtrak can contact, when ready, to coordinate the requested activities. Please provide an Authorization Number, or numbers depending on how Amtrak desires to track the costs for these various tasks, so that CSX can properly track its costs and use such authorization number(s) to invoice Amtrak for the services requested.

We note that CSX will require significant advance notice of Amtrak's plans to qualify crews or conduct station repair work that requires flagging services to ensure there is no unnecessary delay to our freight customers. To that end, please provide more specific details as to the precise dates when flagging services will be requested (including what type of work); the number of crews that will need to be qualified to support the proposed new Gulf Coast service; and the precise dates when those crews will be ready to begin such qualifications.

We would also note that Amtrak crews qualified on the existing facilities along the Gulf Coast corridor will need to be requalified with respect to any new infrastructure agreed to by the parties or ordered by the Surface Transportation Board to support the new passenger service. Amtrak therefore should consider whether it is efficient or appropriate to seek to qualify crews before those issues have been decided. This is one more reason why Amtrak should reconsider its decision not to complete the HDR study. A comprehensive understanding of future changes to the Gulf Coast route would improve the quality and efficiency of Amtrak crew training and qualification.

We note that one of the planning activities is the "Curve Speed Safety Review" which we believe can be best addressed with the attached Curve Report from the "CSX Master Engineering Database". All the information provided is confidential and should be treated accordingly.

Kind regards,

A handwritten signature in blue ink, appearing to read 'AD', is positioned above the typed name and title.

Andy Daly
Senior Director
Passenger Operations
CSXT