



Surface Transportation Board
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
February 10, 2022
Part of
Public Record

MEMORANDUM

TO: Cynthia T. Brown, Chief, Section of Administration, Office of Proceedings

FROM: Patrick Fuchs, Board Member

RE: Ex Parte Communications Related to Docket No. FD 36472

DATE: February 10, 2022

On February 9, 2022, I received a letter from the North Atlantic Rail Alliance, Inc. expressing views regarding the transaction in which CSX Transportation Inc. (CSXT) and related entities seek to acquire control of the seven railroads controlled by Pan Am Systems and Pan Am Railways and seek to have CSXT merge six of the seven railroads into CSXT. I have enclosed a copy of the letter with this memorandum. Because CSXT filed a revised application to acquire Pan Am Systems and Pan Am Railways on April 26, 2021, in Docket No. FD 36472, this communication is a prohibited ex parte communication pursuant to the Board's decision in Petition of Fieldston Co., Inc. to Establish Procedures Regarding Ex Parte Communication in Railroad Merger Proceedings, Docket No. EP 619 (STB served Jan. 8, 1997). Please place this memo and the enclosed material in the public docket of Docket No. FD 36472.



February 9, 2022

Patrick J. Fuchs
Surface Transportation Board
395 East Street SW
Washington, DC 20423

Dear Mr. Fuchs,

I am writing on behalf of the North Atlantic Rail (NAR) Alliance, Inc., which is advancing a vision for an integrated high-speed and high-performance passenger rail network serving the 7-state North Atlantic Megaregion, encompassing New York and New England. You can find the proposed plan for this network on our website at northatlanticrail.org/.

We share STB's concerns about the long-term servicing obligations of current rail providers and the need for freight railroads to provide for expanded passenger rail service across our megaregion. One of our top priorities is re-establishing fast, frequent, and reliable service from Pittsfield and Springfield to Boston through the East-West Rail route in Massachusetts. This service can only be delivered by prioritizing passenger service on CSX's existing route in this corridor. We urge you to take strong action to require commitments by CSX to this service as a precondition for approving their acquisition of the Pan American Railway's routes in our megaregion.

Our proposal for integrated high-speed and high-performance passenger rail networks can become a model for several other US multi-state megaregions, including the Mid-Atlantic, Midwest, Southeast, Southwest and Pacific Northwest / Cascadia Megaregions. As an initial step, the NAR initiative proposes to complete an engineering feasibility study for our network overseen by a USDOT appointed commission. We also propose to deliver this system utilizing innovative project delivery procedures that could become a precedent for other multi-state passenger rail systems.

We applaud the Biden Administration and Congress' success in creating the Bipartisan Infrastructure Act and believe that its passenger rail provisions can provide a foundation for the kind of high-speed and high-performance rail network already in operation or being built in virtually every other industrial nation. We also strongly believe that with 36 million residents and a \$3+ trillion economy, the North Atlantic megaregion is the most appropriate place to build a US prototype for a similar world-class passenger rail network, as both President Biden and Secretary Buttigieg have pledged to do.

Thank you for your time and consideration of the points made in this letter.

Sincerely,

A handwritten signature in black ink that reads 'Robert Yaro'.

Robert Yaro
President of North Atlantic Rail