



RailPAC
Rail Passenger Association
of California and Nevada

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February 14, 2022

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

Re: STB Docket No. FD 36496

Application of the National Railroad Passenger Corporation Under 49 U.S.C. Section 24308(e) – CSX Transportation, Inc. and Norfolk Southern Railway Company – To operate Gulf Coast Service New Orleans, LA and Mobile, AL.

Dear Ms. Brown,

The Rail Passenger Association of California and Nevada (RailPAC) is submitting comments on behalf our members regarding the referenced application. The Rail Passenger Association of California and Nevada is a non-profit 501c all-volunteer organization that advocates for the improvement of commuter and intercity passenger rail service.

While RailPAC's is a Pacific Coast organization, our members utilize Amtrak's National Network and travel to many regions across the United States, including the Gulf Coast, and have a keen interest in improved national connectivity. For example, the proposed service connects at New Orleans with Amtrak's *Sunset Limited*, which originates in Los Angeles with connections to many cities in California, Oregon and Washington State. In light of these factors, RailPAC recommends the Board order the restoration of Gulf Coast Service.

One of RailPAC's key concerns is the apparent lack of transparency and good faith in the ongoing negotiations. The railroads' strategy seems aimed only to add delay and to convey requests for high levels of capital investment that defy logic. All of this is designed to price the proposal out of reach. This is coupled with a refusal by the railroads to share basic train operations data (i.e. train frequency, train length and time of day at the location) available to any trackside resident or motorist at a blocked grade crossing. We note that other rail carriers are quite creative in devising affordable capacity enhancement solutions that improve rail line traffic flow to allow the growth of both rail passenger service and expanded rail freight service.

Another factor in RailPAC's interest is that this Gulf Coast Docket raises critical issues that the STB needs to examine. These issues go to the basic legal rights and the foundations of passenger rail service in the United States. Among the issues that the STB needs to resolve are:

1. What are the common carrier and level of utility obligations of the freight railroads? What are the continuing obligations of the freight railroads under the NRPC Act of 1971, with its right of statutory access for Amtrak?
2. Are the nation's rail lines simple strips of real estate or are they a vital irreplaceable national asset in which there is strong of public interest in its governance and management?
3. What is the responsibly and obligation of the freight railroads, as stewards of this national asset (its rail lines), to maintain these lines in a state of good repair with sufficient capacity to handle additional traffic or traffic surges as a result of national emergencies or mobilization?

As reflected in multiple legislative acts over the history of the United States, including most recently the 2021 IIJA Bipartisan Infrastructure Law, Congress has always directly influenced the development of the rail network in the United States. In particular, since 2005, Congress has focused on and provided funding with the goal of the reintroduction of rail passenger service along the Gulf Coast. However, neither in the original Amtrak enabling act, nor any subsequent legislation, has Congress indicated that Amtrak, in providing rail passenger service, should be responsible in its appropriation for funding the replacement of freight rail line life-expired assets, state-of-good repair projects or capacity investments in rail line infrastructure to offset freight rail operational changes that make certain rail assets unusable for very long freight trains. To address these freight service issues, Congress provided, in the 2021 Bipartisan Infrastructure Law, both direct appropriations and increases in authorizations for specific programs focused on the improvement of rail freight facilities.

For these reasons, the Rail Passenger Association of California and Nevada concludes that the Surface Transportation Board should approve Amtrak's application to immediately begin the implementation of passenger rail service between New Orleans, Louisiana and Mobile, Alabama. Concurrent with activities underway as a result of this order, the Board should direct the Gulf Coast Working Group to develop and implement non-construction operational and network management initiatives to increase rail line reliability and capacity. If the STB determines a need to identify additional capital investments, these studies should also run concurrent with activities underway to implement service as directed by the Board. Finally, if the STB finds this additional step is required, stakeholders should be directed to identify Federal transportation programs and sources of local funding for these additional infrastructure projects.

Sincerely,



Steve Roberts

President Rail Passenger Association of California and Nevada

cc: All Parties of Record