

Congress of the United States
Washington, DC 20515

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

Re: Docket No. FD 36496, *Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company*

Dear Ms. Brown:

We, members of the Alabama congressional delegation, write in regard to matters under consideration in Docket No. FD 36496, *Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company*.

For the first time, the Surface Transportation Board (the Board) is holding a hearing under the authority granted to it by Congress, codified at 49 U.S.C. § 24308, which allows the Board to order a rail carrier to provide for the operation of additional Amtrak trains. To underscore the significance of what the Board will be deciding, if the agency were to mandate Amtrak service in this case, it would be the first time doing so since Amtrak's inception in 1971, outside of an emergency situation or an explicit directive from Congress.

As proposals to initiate passenger rail service in the Gulf Coast have been discussed, multiple entities have understandably expressed concern about the impact such service would have on commerce in and around Mobile, including federal and state government officials, freight operators, the Alabama State Port Authority, and several of the Port of Mobile's customers. In response to these concerns, Amtrak, in conjunction with CSX and Norfolk Southern, agreed to conduct a joint feasibility study to determine the impact passenger rail service would have on freight operation in Mobile. Although Mississippi and Louisiana dedicated state funding for the project, Alabama's commitment of funds was specifically contingent on the completion of the study. Despite this agreement among all parties, Amtrak announced plans to begin passenger rail service without completing the ongoing study.

In March and April 2021, members of the Alabama congressional delegation wrote to request that the Board require the completion of the feasibility study. As we stated then, any decision to initiate passenger rail service should be guided by the best available data and

information. Although the previously agreed to study was not completed, CSX and Norfolk Southern have submitted into the record a Rail Traffic Controller (RTC) model and report that confirms the reasonableness of our concerns. Notably, it demonstrates that the introduction of passenger trains would cause a 20 percent increase in delay, as well as cause delays in future years without additional freight capacity.

The need for a feasibility study is further underscored by the potential precedential value of this case. Amtrak has publicly released its “Corridor Vision,” which seeks to add 39 new passenger rail routes across the country. At the same time, the Board considers this case during the strain of supply chain disruptions and bottlenecks, which have affected consumers, through longer wait times, scarcity of products, and increased costs. This national crisis materialized in large part due to unprecedented consumer demand and workforce shortages associated with the pandemic. During these disruptions, our freight railroads and ports have doubled their efforts to deliver essential goods and supplies. Without a feasibility study, the Board would be deciding this case without knowing the full consequences of its decision on freight rail or ports. Moreover, it would provide Amtrak the ability to initiate many more passenger rail routes throughout the country without understanding the impact on the fluidity of our nation’s freight and intermodal rail network.

As a delegation, we are particularly concerned about the effects of Gulf Coast passenger rail service on the Port of Mobile, which in recent years has experienced tremendous growth. Since 2015, the Port of Mobile’s container volume has grown by 120 percent, making it one of the fastest growing container ports in the United States. This critical gateway has successfully managed permanent supply chain shifts into the Port of Mobile to keep up with shipper and consumer demand. At a time when the United States is experiencing significant supply chain challenges, potential delays or congestion created in the Port of Mobile threaten to worsen existing supply chain issues across the country. The continued growth and success of the Port of Mobile will serve an important role in economic development and investments along the Gulf Coast.

Thus, if the Board decides to order Amtrak service, it should require Amtrak to pay for and make the necessary operational and infrastructure investments needed to ensure that there is sufficient capacity to accommodate passenger, freight, and intermodal rail service, as well as facilitate uninterrupted service into and out of the Port of Mobile. To mitigate the effects of Amtrak service on the Port of Mobile’s operations and related freight rail traffic, the following operational and capital mitigation measures are critically important:

- **Location of Mobile Station.** Amtrak’s location of the Mobile station for Gulf Coast Service must be located at the Brookley Aeroplex. The city of Mobile is already dedicating resources into making the Brookley Aeroplex the transportation and industrial epicenter of the central Gulf Coast. Notably, in April 2021, the Federal Aviation Administration approved a plan by the Mobile Airport Authority to move all passenger air service to a new international airport terminal at Brookley Field. A station at this site provides a unique opportunity to create a more centralized transportation hub providing access to passenger and freight rail in addition to road, water, and aviation infrastructure.

In contrast, a passenger station in downtown Mobile is unworkable because Amtrak's operations would be in a mainline corridor, thereby blocking freight trains from crossing between the Interchange Yard and Riverfront Yard and impairing access to McDuffie Island. Additionally, a station in downtown Mobile will block access to the Intermodal Container Transfer Facility located at the container complex, noted as one of the fastest growing container ports in North America. Amtrak should incur the costs of the passenger station at the Brookley Aeroplex and pay for corresponding infrastructure investments that are needed to facilitate the continued operation of freight traffic.

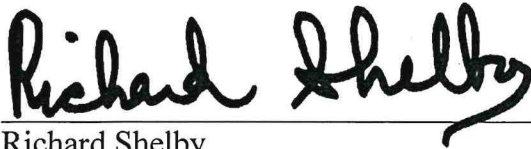
- **Flyover Track.** The construction of flyover track between the Interchange Yard and Riverfront Yard is needed to allow continuous access between the two yards upon the initiation of passenger service on CSX track at Mobile. These two yards support inbound and outbound volumes carried by five Class I railroads, three large regional railroads, and the Alabama State Port Authority's Terminal Railway. Amtrak should pay for the \$34.7 million construction of the flyover track to better facilitate and support the necessary freight and intermodal operations that must continue if passenger service is added to the CSX mainline track.
- **The Bob Hope Bridge Track and Virginia Lead.** These are additional tracks, along the CSX corridor, that allow the port-related rail to alleviate rail traffic held on the CSX mainline. Held traffic utilizes the CSX mainline to switch rail cars in and out of the Port Authority's switch and terminal yards and the CSX Siebert Yard, and to stage south bound trains to points westward. These two improvements total \$4.4 million.
- **Improvements to the CSX Main Line.** Amtrak should fund and facilitate the construction of the infrastructure projects identified in the RTC report submitted by CSX and Norfolk Southern. Amtrak has an obligation to pay and cooperate with the host railroads to ensure freight service does not suffer from the introduction of passenger service.

We believe that Amtrak has access to sufficient funding to provide for these necessary infrastructure improvements. The recently-passed Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58) provided historic funding of \$66 billion in direct appropriations for rail programs. Over the next five years, this law specifically provides \$22 billion in direct funding to Amtrak's Northeast Corridor and National Network, \$36 billion for the Federal-State Partnership for Intercity Passenger Rail Grants, \$5 billion for the Consolidated Rail Infrastructure and Safety Improvements program, and \$3 billion for the Railroad Crossing Elimination Program.

If the Board mandates service, it should ensure that this unprecedented level of funding is used by Amtrak to pay for the necessary infrastructure improvements to support its proposed service and that shippers and entities who rely on the freight and intermodal rail network are made whole. Our ports and shippers should not have to bear the cost of facilitating Amtrak's passenger rail service expansion, and the Board should ensure any decision sets a precedent of safeguarding our country's shippers and ports.

In sum, a decision by the Board to mandate Amtrak service in this case will have significant consequences for the national rail network and supply chain, as well as set a precedent for expansion of Amtrak service. We urge you to uphold the Board's long-standing commitment to an efficient and reliable rail network. Thank you for your diligent consideration of this matter.

Sincerely,



Richard Shelby
U.S. Senator



Tommy Tuberville
U.S. Senator



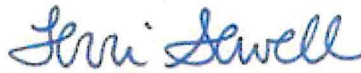
Robert Aderholt
Member of Congress



Mike Rogers
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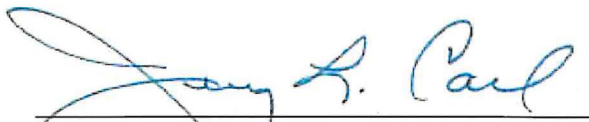
Mo Brooks
Member of Congress



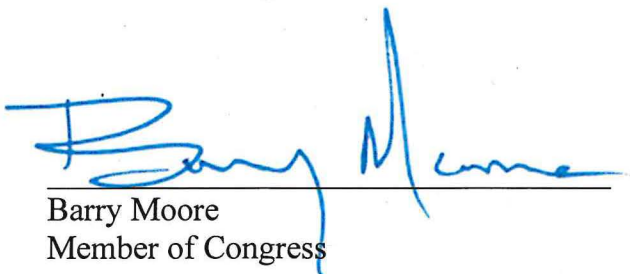
Terri Sewell
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Gary Palmer
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