

**BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496**

304198
ENTERED
Office of Proceedings
March 30, 2022
Part of
Public Record

**APPLICATION OF THE NATIONAL RAILROAD PASSENGER
CORPORATION UNDER 49 U.S.C. § 24308(e) – CSX
TRANSPORTATION, INC. AND NORFOLK SOUTHERN
CORPORATION**

**CSX TRANSPORTATION, INC. AND NORFOLK SOUTHERN RAILWAY
COMPANY'S REVISED JOINT WITNESS LIST**

Pursuant to the Board's March 23, 2022 Decision,¹ CSX Transportation, Inc. ("CSXT") and Norfolk Southern Railway Company ("NSR") submit this revised joint witness list for the evidentiary hearing scheduled to commence on April 4, 2022.

Direct Examination

Witness Name	Association	Estimated Time for Direct
Charles H. Banks	R.L. Banks & Associates, Inc.	30 minutes
Mark H. Dingler	HNTB Corporation	1 hour
Larry R. Guthrie	R.L. Banks & Associates, Inc.	30 minutes
Randall W. Hunt	Norfolk Southern Railway Company	45 minutes
Ricky Johnson	CSX Transportation, Inc.	45 minutes
Hannah Rosse	Independent consultant; formerly CSX Transportation, Inc.	30 minutes
Holly Sinkkanen	Norfolk Southern Railway Company	30 minutes

¹ Decision at 1, *Application of the National Passenger Railroad Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc. and Norfolk Southern Railway Company*, STB Docket No. FD 36496 (served Mar. 23, 2022), at 1 ("The Parties are directed to file . . . any changes to their previously filed witness lists[.]").

Following a meet and confer between CSXT, NSR, the Port,² and the National Railroad Passenger Corporation (“Amtrak”), it was agreed that CSXT, NSR, and the Port would not examine Amtrak witness Dennis Newman, and that Amtrak and the Port would not examine CSXT and NSR witness Ted Niemeyer. Accordingly, these two witnesses have been excused from attending the hearing.

Cross Examination

CSXT and NSR intend to cross examine any witness presented by Amtrak. In its witness list filed on February 14, 2022, Amtrak stated its intention to call Thomas D. Crowley for direct examination.³ During a meet and confer on March 28, 2022, Amtrak indicated that it may no longer be calling Mr. Crowley, and instead may call Daniel Fapp. If Amtrak does not intend to call Mr. Crowley, CSXT and NSR intend to call Mr. Crowley during their case-in-chief, and will seek permission to treat him as a hostile witness. CSXT and NSR also reserve the right to cross examine any witness presented by the Port.

Order of Presentation By the Parties

CSXT and NSR respectfully request that the order of the presentation of witnesses at the evidentiary hearing be as follows: CSXT/NSR, followed by the Port, followed by Amtrak. The parties discussed the order of presentation during their

² The Port consists of the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks.

³ Amtrak’s List of Witnesses, *Application of the National Passenger Railroad Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc. and Norfolk Southern Railway Company*, STB Docket No. FD 36496 (filed Feb. 14, 2022), at 1.

March 28, 2022 meet and confer and all agreed that this was the most appropriate order.

Respectfully submitted,

/s/ Raymond A. Atkins

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*Counsel for Norfolk Southern Railway
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Dated: March 30, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2022, a copy of the foregoing Revised Joint Witness List was served by email or first class mail on the service list to Finance Docket No. 36496.

/s/ Raymond A. Atkins
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