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June 29, 2021

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: FD 36496, *Application of the National Railroad Passenger Corporation under 49 U.S.C. § 24308(e) – CSX Transportation, Inc., and Norfolk Southern Railway Company*

Reply in support of the June 22, 2022 joint “Showing and Offer of Proof” of CSX Transportation, Inc., and Norfolk Southern Railway Company

Dear Ms. Brown:

The Alabama State Port Authority (“ASPA”) and its terminal railroad operating division, the Terminal Railway Alabama State Docks (“TASD”) – and collectively with ASPA, the “Port”) hereby reply in support of the letter filing tendered on June 22, 2022, jointly by CSX Transportation, Inc. and Norfolk Southern Railway Company (collectively, “CSXT/NSR”) in connection with certain settlement efforts discussed in that filing.

For the purposes of this reply, the Port confirms that it was a substantive participant in such settlement efforts. Beyond that, the Port joins in the CSXT/NSR characterization of those settlement elements, most of the details of which were appropriately redacted from the public version of the joint CSXT/NSR filing of June 22.

Furthermore, the Port wholeheartedly agrees with CSXT/NSR that the content of any such settlement discussions are inadmissible as evidence, and urges the Board to refrain from efforts to explore such settlement details for reasons set forth in Section II of CSXT/NSR’s June 22 joint filing. In fact, the Port respectfully submits that the longstanding policy of this agency favoring dispute settlement militates in favor of the CSXT/NSR call for restraint in keeping with the Federal Rules of Evidence.

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The Port thanks the Board for its consideration of the foregoing Reply.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Counsel for Alabama State Port Authority and
Terminal Railway Alabama State Docks

cc: All parties of record