

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36732

ENTERED
Office of Proceedings
December 29, 2023
Part of
Public Record

CANADIAN PACIFIC KANSAS CITY LIMITED AND THE KANSAS CITY SOUTHERN
RAILWAY COMPANY, D/B/A CPKC —ACQUISITION AND OPERATION—
CERTAIN RAIL LINE OF MERIDIAN & BIGBEE RAILROAD, L.L.C., IN LAUDERDALE
COUNTY, MISSISSIPPI AND CHOCTAW AND MARENGO COUNTIES, ALABAMA

COMMENTS OF NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The National Railroad Passenger Corporation (Amtrak) hereby provides its initial comments in the above-captioned matter pursuant to the Board’s decisions.

As indicated in the filings of the freight railroad parties, Amtrak has a significant interest in this proceeding, which involves the proposed acquisition by Canadian Pacific Kansas City Limited (CPKC) of a portion of the Meridian & Bigbee Railroad (MNBR). That acquisition (the “Transaction”), if approved, will result in the operation of additional CPKC trains over the Shreveport, Louisiana to Meridian, Mississippi rail line known as the “Meridian Speedway” and the MNBR to a newly established connection with CSXT’s network at Myrtlewood, Alabama. While the freight railroad parties have described in their filings their perceptions of how the Transaction might affect Amtrak, Amtrak seeks to speak on its own behalf regarding the issues the Transaction raises for Amtrak’s existing and planned future intercity passenger rail services.

Amtrak is the Nation's intercity passenger rail service provider and its only high-speed rail operator. Amtrak's national rail network of more than 21,400 route miles serves over 500 destinations in forty-six states, the District of Columbia, and three Canadian provinces. Amtrak's mission is to "provide efficient and effective intercity passenger rail mobility consisting of high-quality service that is trip-time competitive with other intercity travel options" 49 U.S.C. § 24101(b). The Infrastructure Investment and Jobs Act of 2021 (IIJA) provides, for the first time in Amtrak's 52-year history, significant federal funding for investments to expand Amtrak service along corridors and in regions of the country, such as the Southeast, where it is limited or non-existent today.

The most significant impact of the proposed transaction on Amtrak is the additional CPKC freight trains – initially one daily round trip, later increasing to two daily round trips according to CPKC's projections – it would add to the Meridian Speedway line between Shreveport and Meridian. At Meridian, those trains would cross the path of Amtrak's existing New York-to-New Orleans *Crescent* service and continue to Myrtlewood over the MBNR. Of concern to Amtrak, and as also noted in the filings of the railroad parties, these additional trains could potentially impact currently progressing plans to operate Amtrak service, referred to as the I-20 Service, between Meridian and Dallas/Fort Worth, Texas that would utilize the Meridian Speedway between Meridian and Shreveport.

Earlier this month, the Federal Railroad Administration (FRA) selected the I-20 Service for inclusion in the Corridor Identification and Development Program established by Section 22308(a) of the IIJA (codified at 49 U.S.C. 25101(a)). FRA's selection provides the Southern Rail Commission, an interstate compact created by the States of Alabama, Mississippi and Louisiana, with a grant for planning the I-20 Service and positions the Service to receive future

federal grants. FRA has also stated that it anticipates including portions of the I-20 Corridor as one of the potential new Amtrak long-distance routes that will be identified through the ongoing Amtrak Long Distance Study that FRA is conducting pursuant to Section 22214 of the IIJA.¹

In connection with the application of Canadian Pacific Railway Company (CP), CPKC's predecessor, for authority to acquire control of Kansas City Southern, approval of which resulted in the creation of CPKC, Amtrak and CP entered into an agreement dated December 13, 2021 (the "Agreement"). Amtrak wrote a letter in support of CP's application in consideration for which CP agreed to make certain commitments to Amtrak. The Board imposed the Agreement as a condition on its approval of the transaction.²

CP's relevant commitments under the Agreement, a copy of which is appended as Exhibit B to CPKC's Supplemental Information, include an agreement to participate in a joint study with Amtrak, other host railroads and relevant government authorities with the goal of introducing a round trip Amtrak service between Meridian and Dallas, with the potential for a second round trip. Amtrak is concerned about the impact of the proposed Transaction on its current and planned future intercity passenger rail operations, even presuming that CPKC fulfills its representations in this proceeding and continues to live up to the obligations to Amtrak under the Agreement.

In its filings in this proceeding, CP has represented that, because "[c]urrently, the Meridian Speedway operates well below [its] capacity," the additional CPKC trains that will operate over the Speedway if the Transaction is approved "can easily be accommodated," and

¹ [President Biden Announces \\$8.2 Billion in New Grants for High-Speed Rail and Pipeline of Projects Nationwide | FRA \(dot.gov\)](#).

² Docket No. FD 36500, Canadian Pacific Ry.-Control-Kansas City Southern, Decision served March 15, 2023 (CPKC), at 139-140.

that, if Amtrak initiates the proposed I-20 Service over the Speedway, “[t]he addition of Transaction-related traffic should have little or no impact on what additional infrastructure is needed to support Amtrak operations.” (CP’s Supplemental Information, pp. 12-13). CP has also represented that the changes in operations at Meridian resulting from the transaction will benefit Amtrak by eliminating use for switching operations of the main line tracks of Norfolk Southern, over which the *Crescent* currently operates and future I-20 Service would operate. (Id., pp. 10-11). While Amtrak believes CPKC will adhere to its commitments in the Agreement, we remain concerned about what impact the Transaction-related traffic will have on Amtrak’s and its state partners’ future plans for the I-20 Service.

Amtrak also notes that CPKC has stated that it will be maintaining a limitation on train length on the Meridian Speedway of 8,500 feet, which aligns well with the length of most sidings along the Speedway.³ This is essential for Amtrak, as a significant cause of unlawful freight train interference and poor on-time performance for Amtrak is when freight railroads run trains that are longer than the length of many sidings on a route, making it difficult for Amtrak to get around or past the oversized trains. This publicly affirmed limitation provides Amtrak some reassurance regarding the proposed Transaction, and Amtrak requests that the Board incorporate such a conforming limitation of train length to siding length should it approve the application.

In light of the above, Amtrak remains concerned that CPKC’s application to the Board in this proceeding is not more explicit regarding the impact on, or the commitment to, the proposed Amtrak I-20 Service. If the Board approves the application, its decision should, at a minimum, require CPKC to adhere to (i) its commitments that were imposed as conditions in CPKC, (ii) the

³ CPKC’s Reply to Combined Norfolk Southern Notice of Intent to Participate and Request to Hold CPKC/CSXT Transcon Corridor Application in Abeyance, p. 8, n. 8.

commitments and representations regarding Amtrak that CPKC has made in this proceeding, and

(iii) except in an emergency, its representation that train lengths on the Meridian Speedway will not be permitted to exceed the length of sidings along the Speedway.

Respectfully Submitted,

/s/ Eleanor D. Acheson

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Dated: December 29, 2023

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**VERIFIED STATEMENT OF JAMES A. BLAIR ON BEHALF OF NATIONAL
RAILROAD PASSENGER CORPORATION (AMTRAK)**

1. My name is James A. Blair and I submit this Verified Statement in support of the National Railroad Passenger Corporation's (Amtrak's) initial comments in the above captioned proceeding.

2. I am presently employed by the National Railroad Passenger Corporation (Amtrak) as Assistant Vice President - Host Railroads. In this role, I oversee Amtrak's relationships with its host railroads on all the non-Amtrak lines on which Amtrak runs throughout the country. I joined Amtrak in March 2008 as a Principal Host Railroads.

3. For nine years prior to joining Amtrak, I worked in a variety of capacities for transportation consulting firms. Among other things, I performed network and merger analyses for Class 1 railroads, and assisted in the development of a strategic route network plan for a Class 1 railroad. Prior to that, from 1987-1998, I was employed by the Consolidated Rail

Corporation (Conrail), where I held positions that included Senior Director-Strategic Planning and Director Planning and Logistics.

4. As a result, I am familiar with Amtrak's significant interests in this proceeding and how the proposed acquisition by Canadian Pacific Kansas City Limited (CPKC) of a portion of the Meridian & Bigbee Railroad (MNBR) will impact Amtrak.

5. Amtrak is the Nation's intercity passenger rail service provider and its only high-speed rail operator. Amtrak's national rail network of more than 21,400 route miles serves over 500 destinations in forty-six states, the District of Columbia, and three Canadian provinces. Amtrak's mission is to "provide efficient and effective intercity passenger rail mobility consisting of high-quality service that is trip-time competitive with other intercity travel options" 49 U.S.C. § 24101(b).

6. The Infrastructure Investment and Jobs Act of 2021 (IIJA) has facilitated this work. It provides, for the first time in Amtrak's 52-year history, significant federal funding for investments to expand Amtrak service along corridors and in regions of the country, such as the Southeast, where it is limited or non-existent today.

7. Earlier this month, the Federal Railroad Administration (FRA) selected the I-20 Service for inclusion in the Corridor Identification and Development Program established by Section 22308(a) of the IIJA (codified at [49 U.S.C. 25101\(a\)](#)). FRA's selection provides the Southern Rail Commission, an interstate compact created by the States of Alabama, Mississippi and Louisiana, with a grant for planning the I-20 Service and positions the Service to receive future federal grants. FRA has also stated that it anticipates including portions of the I-20 Corridor as one of the potential new Amtrak long-distance routes that will be identified through

the ongoing Amtrak Long Distance Study that FRA is conducting pursuant to Section 22214 of the IIA.

8. If the proposed acquisition by CPKC of a portion of the MNBR is approved, it will result in the operation of additional CPKC freight trains between Shreveport and Meridian. Initially this increase would be an additional one daily round trip, later increasing to two daily round trips according to CPKC's projection.

9. At Meridian, those trains would cross the path of Amtrak's existing New York-to-New Orleans *Crescent* service and continue to Myrtlewood over the MBNR. These additional trains could potentially impact currently progressing plans to operate Amtrak service between Meridian and Dallas/Fort Worth, Texas that would utilize the Meridian Speedway between Meridian and Shreveport. This is the very I-20 Service selected by the FRA for inclusion in the Corridor Identification and Development Program.

10. When Canadian Pacific Railway Company (CP), CPKC's predecessor, applied to acquire control of Kansas City Southern, approval of which resulted in the creation of CPKC, Amtrak and CP entered into an agreement (the "Agreement"). As part of the Agreement, dated December 13, 2021, Amtrak wrote a letter in support of CP's application in consideration for which CP agreed to make certain commitments to Amtrak. The Board imposed the Agreement as a condition on its approval of the transaction.

11. The most relevant commitments in the Agreement to this proceeding by CP include an agreement to participate in a joint study with Amtrak, other host railroads and relevant government authorities with the goal of introducing a round trip Amtrak service between Meridian and Dallas, with the potential for a second round trip.

12. Given the above commitments to Amtrak, combined with CPKC's potential increased freight traffic over the Meridian Speedway, I have concerns about what impact the traffic related to the above-described acquisition by CPKC related will have on Amtrak's and its state partners' future plans for the I-20 Service.

VERIFICATION

I, James A. Blair, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on this 29th, day of December 2023.

A handwritten signature in blue ink, appearing to read 'James A. Blair', with a large, stylized flourish at the end.

JAMES A. BLAIR

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December 2023, I caused a copy of the foregoing to be served electronically or via first class mail, postage prepaid, upon parties of record in proceeding No. FD 36732.

/s/ Hadi Nilforoshan

Hadi Nilforoshan

National Railroad Passenger Corporation
(Amtrak)