

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36732

ENTERED
Office of Proceedings
January 26, 2024
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

**REPLY COMMENTS OF NATIONAL RAILROAD PASSENGER CORPORATION
(AMTRAK)**

The National Railroad Passenger Corporation (Amtrak) hereby provides its reply comments in the above-captioned matter pursuant to the Board’s decisions. Amtrak provides these comments based upon its previously explained interest in the proposed acquisition (the “Transaction”) by Canadian Pacific Kansas City Limited (“CPKC”) of a portion of the Meridian & Bigbee Railroad (“MNBR”).

In initial comments to the Surface Transportation Board (“STB”), dated December 29, 2023 (the “NS Initial Comments”), Norfolk Southern Corporation and Norfolk Southern Railway Company (together, “NS”) laid out in detail significant concerns for increased freight train traffic especially on the Meridian Speedway. Similarly, Illinois Central Railroad Company (“CN”), in its December 29, 2023 filing, touches on the concerns for increased freight traffic and attendant issues that would exist if the Transaction is completed.

Amtrak would like to address the issues raised in NS and CN’s filings and any concerns it may have with the Transaction. Amtrak has previously stated it does not take a position as to the

ultimate outcome of this proceeding, and continues to be in that posture. At the same time, Amtrak notes the summary of conditions proffered by NS, a current freight service provider on the line, in its December 29 comments to the STB, only heighten Amtrak's concerns with the proposed acquisition's potential to interfere with Amtrak's planned service on the corridor. (NS Initial Comments, pp 58-61). Thus, Amtrak supports the STB's authority to impose on the Transaction some or all of the requested conditions as reasonable, specifically those to alleviate potential poor on-time performance, service concerns, delays, or other issues due to increased freight traffic on the Meridian Speedway and other rail lines in and around Meridian that traffic would impact.¹

Amtrak appreciates that CPKC has stated that the Transaction should not impact its commitments to Amtrak under the Agreement including future proposed I-20 Service over the Speedway, as discussed in Amtrak's Initial Comments, and that "[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). However, given those assertions and others in its filings, Amtrak submits that any reasonable conditions placed upon CPKC that would be in furtherance of CPKC's own covenants and promises should be considered by the STB.

¹ NS's comments include a number of claims about delays Amtrak's *Crescent* currently experiences while traveling over NS between the Washington area and New Orleans, and the purported causes of such delays. While Amtrak takes issue with many of NS's statements, this proceeding is not the appropriate forum for addressing such matters.

Respectfully Submitted,

/s/ Eleanor D. Acheson

Eleanor D. Acheson

Executive Vice President, Chief Legal
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January 2024, I caused a copy of the foregoing to be served electronically or via first class mail, postage prepaid, upon Judge Thomas McCarthy and parties of record, in proceeding No. FD 36732.

/s/ Hadi Nilforoshan

Hadi Nilforoshan

National Railroad Passenger Corporation
(Amtrak)