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BEFORE THE
SURFACE TRANSPORTATION BOARD
DOCKET NO. FD 36496

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

JOINT STATUS REPORT

The National Railroad Passenger Corp. (“Amtrak”), CSX Transportation, Inc. (“CSX”), Norfolk Southern Railway Company (“NS”), and the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (the “Port”) (collectively, the “Parties”), hereby provide this joint status report to the Surface Transportation Board (the “Board”). This status report provides an update to the information the Parties previously provided on August 1, 2024 regarding: (1) the Consolidated Rail Infrastructure and Safety Improvements (“CRISI”) Grant Agreement; (2) environmental review for the Mobile Station Track Project; (3) environmental review for the CRISI Grant Agreement Projects; and (4) negotiations with the City of Mobile.

(1) Status of the CRISI Grant Agreement – As the Parties previously reported to the Board, the CRISI Grant Agreement includes both “General Terms and Conditions” and “Project Specific Terms and Conditions.” As to the General Terms and Conditions, Amtrak and the Federal Railroad Administration (“FRA”) concluded their discussions in mid-May and all issues have been resolved. The General Terms and Conditions are now finalized. As to the Project Specific Terms and Conditions, Amtrak and the FRA are still finalizing some details. Amtrak expects to achieve

a finalized version of the Project Specific Terms and Conditions agreed upon by all parties in September 2024.

(2) Environmental Review for the Mobile Station Track Project – The Board previously inquired as to the status of National Environmental Policy Act (“NEPA”) review, Section 106 review, and Coastal Zone Management Act (“CZMA”) review for the Mobile Station Track Project.

As to NEPA and Section 106 review, Amtrak received approval of the Categorical Exclusion (“CE”) Worksheet from the FRA on June 25, 2024. At the time of submission of the Final CE Worksheet to the FRA by Amtrak, on or about May 22, 2024, all clearances had been received. However, Amtrak subsequently learned that a number of third-party utilities need to be relocated as part of the Mobile Station Track Project. The original NEPA and Section 106 evaluations did not account for the work required to relocate the utilities because potential impacts to existing utilities were not known at the time. Amtrak has since updated the NEPA and Section 106 documentation to include this additional utility relocation work. FRA approved a re-evaluation of the NEPA and Section 106 review on August 20, 2024. The Project therefore has NEPA and Section 106 clearance to proceed with ground-disturbing activities consistent with the archeological monitoring plan outlined in the approved CE Worksheet Re-evaluation. The utility relocation will not affect the previously reported CZMA determination that the Project will have no reasonably foreseeable effects on Alabama coastal uses or resources.

(3) Environmental Review for the CRISI Grant Agreement Projects – As the Parties previously reported to the Board, environmental review for the CRISI Grant Agreement Projects is not an explicit prerequisite for the commencement of passenger operations, however, each party to the Settlement Agreement has the right to withhold their consent to the CRISI Grant Agreement until environmental review for the CRISI Grant Agreement Projects is complete. Since the last

status report, Amtrak has continued to develop a draft request for proposal and scope of work for environmental review for the CRISI Grant Agreement Projects. Amtrak and CSX also have continued their bi-weekly project team meetings to advance preliminary design work and environmental review for the CRISI Grant Agreement Projects to be constructed on CSX.

(4) Negotiations with Mobile – On August 6, 2024, the Mobile City Council voted unanimously to approve three agreements associated with the Gulf Coast Service: (1) a lease agreement with Amtrak for the Mobile Station Project; (2) a funding agreement with Amtrak for the FRA Restoration & Enhancement Grant match requirement for operating support for the restoration of Amtrak service; and (3) an intergovernmental agreement with the Port for a supporting funding contribution towards the City of Mobile's commitment under the match funding agreement with Amtrak.

Amtrak and the City of Mobile are now working to draft a temporary construction easement for the Mobile Station Project. The temporary construction easement also will require approval from the Mobile City Council. Additionally, Amtrak and CSX are continuing to work with the City to secure a land disturbance permit for the Mobile Station Project's track and temporary platform.

WHEREFORE, the Parties respectfully suggest that if the Parties have not notified the Board that their settlement has been fully implemented and requested dismissal of this proceeding by November 1, 2024, and if the Board has not otherwise ordered additional actions, the Parties will file an additional joint status report on that date that includes an update on the information described above.

September 13, 2024

Respectfully submitted:

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CERTIFICATE OF SERVICE

I, Jessica Ring Amunson, certify that I have this day served copies of this document upon all parties of record in this proceeding by use of the service list, consistent with 49 C.F.R. § 1104.12.

/s/ Jessica Ring Amunson
Jessica Ring Amunson

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