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February 28, 2025

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VIA ELECTRONIC FILING

Surface Transportation Board
Office of Proceedings
395 E. Street, S.W., Room 1034
Washington, D.C. 20024

ENTERED
Office of Proceedings
March 3, 2025
Part of
Public Record

Re: Docket No. FD 35743, Application of the National Railroad Passenger Corporation Under 49 U.S.C. § 24308(a) – Canadian National Railway Company

Dear Sir/Madam:

We represent National Railroad Passenger Corporation (“Amtrak”) in the above matter. This letter serves as Amtrak’s submission pursuant to the Surface Transportation Board’s (“the Board”) February 18, 2025 Decision, which scheduled a Technical Conference with Amtrak and Canadian National Railway Company (“CN”) for March 11, 2025 at 10:00 a.m.

The following individuals will attend the March 11, 2025 conference on behalf of Amtrak (each of whom has executed a confidentiality undertaking, as required by the February 18, 2025 Decision):

- Jim Blair, Amtrak, Assistant Vice President of Host Railroads.
- Kyle Montgomery, Amtrak, Director, Host Railroads.
- Christopher S. Perry, Amtrak, Associate General Counsel.
- Jerry A. Cuomo, Esq. and Timothy J. Collazzi, Esq., Landman Corsi Ballaine & Ford P.C. (outside counsel for Amtrak).

Per the Board’s directive, Amtrak provides the following as to “specific technical questions it seeks to discuss” at the March 11, 2025 conference:

On-Time Performance and Schedules (2/18/25 Decision, p. 2).¹

* * *

2. “*Schedule Status*” – Amtrak would like to discuss the six (6) schedules that are currently “disputed” under the Federal Railroad Administration’s Final Rule issued in November 2020 entitled *Metrics and Minimum Standards for Intercity Passenger Rail Service* (“the Final Rule”) and the Board’s expectations with respect to its directive that “[c]ertified schedules will be required by the Board as the basis for a new OA.”

* * *

Host Responsible Delays (HRDs) (2/18/25 Decision, pp. 2-3)

1. “*Relief item covering interlockings not controlled by CN*” – Amtrak would like clarification on what is meant by an interlocking “not controlled by CN” (for example, interlockings where CN has installed equipment at a crossing such that it is “automated” and works on a first-come, first served basis).

Amtrak also does not believe that it has sufficient information to provide the Board with an “inventory of interlockings not controlled by CN” or joint facility agreements for interlockings on CN’s system to which Amtrak is not a party.

* * *

5. “*Do Not Counts (DNCs)*”

* * *

- b. Amtrak would like to discuss the Board’s request that Amtrak (along with CN) “propose a minimum delay threshold for all DNC categories or some other mechanism to ensure short delays do not result in DNCs.” Principally, because Amtrak has proposed an incentive and penalty system that does not include DNCs as a feature, Amtrak would like to understand the Board’s expectations as to Amtrak’s response.

Incremental Costs (2/18/25 Decision, pp. 3-4)

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2. “*Per-mile charge for incremental costs*” – Amtrak would like to discuss the Board’s directive that Amtrak (and CN) “propose a reasonable per-Amtrak-train-mile charge to account for incremental freight delay costs that could be applied in lieu of requiring the

¹ The headings in this letter track those in the Board’s February 18, 2025 Decision.

calculation of actual incremental freight delay costs if the Board includes incremental freight delay costs in the OA.”

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Miscellaneous Items (2/18/25 Decision, p. 4)

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2. “Reopener” – Amtrak would like to discuss the Board’s expectations as to the terms of a “reopener” that it would consider reasonable.

* * *

Amtrak looks forward to the March 11, 2025 conference. Please let us know if Amtrak can provide the Board with any further information in advance.

Respectfully submitted,

/s/ Jerry A. Cuomo

Jerry A. Cuomo

cc: Parties of Record