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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”), provide this joint status report to the Surface Transportation Board (the “Board”) in accordance with the Board’s order of February 26, 2024. This status report provides an update to the information the Parties previously provided on March 15, 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.” Significant progress is being made with respect to both and Amtrak expects the CRISI Grant Agreement to be finalized in May 2024 and ready for presentation to the other Parties.

As to the General Terms and Conditions, Amtrak and the Federal Railroad Administration (“FRA”) continue to hold bi-weekly coordination calls and there are multiple other calls and emails

between Amtrak and the FRA to resolve the remaining issues. Amtrak continues to expect that the General Terms and Conditions will be finalized in May 2024.

As to the Project Specific Terms and Conditions, as the Parties previously reported, in March 2024, Amtrak learned that some of the included crossings in the Mississippi Grade Crossings Project have already received upgrades and no longer need to be addressed with funding from the CRISI Grant. Amtrak has been working with the Mississippi Department of Transportation to identify suitable alternative crossings and will update the Project Specific Terms and Conditions content accordingly. On completion, the Project Specific Terms and Conditions document will be sent to FRA for review and acceptance. Amtrak expects to finalize the Project Specific Terms and Conditions in May 2024.

(2) Environmental Review for the Mobile Station Track Project – As the Parties previously reported to the Board, environmental review for the Mobile Station Track Project must be completed before the construction of the Mobile Station Track may commence and this construction is a requirement for beginning passenger operations. The Parties expect that, once the outstanding approvals described below are secured, the environmental review process will be completed and FRA will authorize the Parties to complete outstanding design work for and construction of the Mobile Station Track Project.

As to National Environmental Policy (“NEPA”) review, Amtrak and FRA are continuing to work closely on preparing the Categorical Exclusion (“CE”) Worksheet. Amtrak has shared multiple iterative versions with FRA for preliminary review to expedite the final review period. In conjunction with the NEPA process, Amtrak submitted an application for a zoning special exception on March 31, 2024 to the City of Mobile’s Board of Zoning Adjustment. The Board of Zoning Adjustment’s application-approval process includes a hearing on May 6, 2024. A state-mandated 15-day appeal period (closing May 22, 2024) will immediately follow issuance of a

decision by the Board of Zoning Adjustment. Assuming the Board of Zoning Adjustment approves the application and no appeals are filed, Amtrak anticipates securing the zoning special exception on May 23, 2024. Amtrak will submit the final CE Worksheet for the FRA's review upon securing the zoning special exception. Amtrak expects FRA's review and approval of the CE Worksheet to be completed by the end of May 2024.

As to Section 106, Amtrak received written notice from the Alabama State Historical Preservation Office ("AL SHPO") on April 19, 2024, concurring with FRA's finding of Conditional No Adverse Effect with the implementation of the Archeological Monitoring Protocol and Procedures for the Unanticipated Discovery of Archeological Resources and Human Remains, which had previously been provided to AL SHPO on February 29, 2024. Amtrak will implement the plan and provide a monitoring report upon completion. Ongoing consultation with the AL SHPO, Tribal Historic Preservation Offices ("THPOs"), and other consulting parties will be carried out as needed. It is still anticipated that a monitoring report will be sent to FRA, AL SHPO, the THPOs, and any other consulting parties for review in Fall 2024.

As to the Coastal Zone Management Act, as the Parties previously reported to the Board, a letter from the FRA was submitted on February 22, 2024 to the Alabama Coastal Zone Management Program ("CZMP") with the FRA's negative determination. The Alabama Department of Environmental Management's concurrence with FRA's Negative Determination was issued on March 19, 2024, agreeing that the Amtrak Mobile Station Early Action Projects 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. Pursuant to the pre-approval authority FRA granted to Amtrak to begin to develop environmental review documentation for the CRISI Grant Agreement Projects, Amtrak has developed a draft request for proposal and scope of work for environmental review for the CRISI Grant Agreement Projects. Amtrak and CSX have also continued their weekly project team meetings to advance preliminary design work and environmental review for the CRISI Grant Agreement Projects to be constructed on CSX.¹

(4) Negotiations with Mobile – Amtrak and the City of Mobile have been in regular contact to finalize both the Lease Agreement for the Mobile Station Project and the Restoration and Enhancement Grant Match Funding Agreement. Since the Parties filed their last status report on March 15, 2024, Amtrak and the City have met every two weeks, with every other meeting in person in Mobile to finalize these agreements. Amtrak and the City are also in regular contact by email.

On April 24, 2024, representatives of Amtrak, FRA, CSX, and the Port met in person in Mobile with representatives of the City of Mobile to address additional questions from the City and to express their shared support for the completion of the projects and the start of Amtrak service. CSX organized tours of the relevant property and helped facilitate meetings amongst the stakeholders in support of Amtrak’s efforts. Representatives of Amtrak and representatives from the City have additional in-person meetings scheduled for May 6 and May 7. Amtrak is hopeful that the Mobile City Council will schedule a vote to approve both the Lease Agreement and the Restoration and Enhancement Grant Match Funding Agreement in May 2024, and is hopeful that these agreements will be executed by early June 2024.

¹ NS has not been involved in those meetings because it has completed its preliminary design and environmental work and is prepared to move to the next steps.

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 June 14, 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.

May 1, 2024

Respectfully submitted:

/s/ Jessica Ring Amunson

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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

May 1, 2024