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SERVICE DATE — FEBRUARY 26, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36496

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

Decided: February 26, 2024

On February 14, 2024, the Board held a hearing involving the National Railroad Passenger Corporation (Amtrak), CSX Transportation, Inc. (CSXT), Norfolk Southern Railway Company (NSR), and the Alabama State Port Authority and its rail carrier division, the Terminal Railway Alabama State Docks (collectively, the “Port”; and with Amtrak, CSXT, and NSR, the “Parties”), to discuss issues that remain outstanding in the Parties’ implementation of their settlement agreement. The Parties stated that the Federal Railroad Administration (FRA) has awarded a Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) grant to Amtrak to fund certain agreed-upon rail infrastructure projects associated with implementing the Gulf Coast Service, and that Amtrak has been working with FRA to finalize a funding agreement related to the CRISI grant (CRISI Grant Agreement), which will ultimately require agreement from all the Parties. The Parties explained that dismissal of this proceeding is not appropriate until the final CRISI Grant Agreement has been executed.

During the hearing, the Parties explained that before Gulf Coast Service can commence, in addition to finalizing the CRISI Grant Agreement, a platform and layover track must be constructed in Mobile, Ala. (Mobile Station Track Project). According to the Parties, the Mobile Station Track Project requires review under the National Environmental Policy Act (NEPA) at FRA, and Amtrak is negotiating a land use agreement with the City of Mobile (Mobile) related to the Mobile Station Track Project. Finally, according to the Parties, before Gulf Coast Service can commence, Amtrak must also negotiate an operating agreement with Mobile.

A transcript of the February 14, 2024, hearing is now available on the Board’s website at www.stb.gov.

At the conclusion of the hearing, the Board directed the Parties to file a joint status report by March 15, 2024. The status report should address the issues raised during the hearing, including, but not necessarily limited to, the following information along with relevant dates:¹

¹ If necessary, the Parties may file a confidential version of the status report (along with an appropriately redacted version for the public record).

- The status of the CRISI Grant Agreement, including when the Parties expect the Agreement to be finalized.
- The status of the NEPA review related to the Mobile Station Track Project, as well as any other ongoing NEPA review related to the CRISI Grant Agreement or any other federal funding. The status report shall delineate each review process by project, include the dates on which Amtrak submitted environmental materials to FRA, the dates on which FRA provided responses, and the dates on which Amtrak provided any supplemental environmental materials, and address:
 - whether the Parties anticipate (or have been informed) that a project is eligible for a categorical exclusion under NEPA, and what the Parties anticipate (or have been informed) is the specific timing of any outstanding activities to receive a categorical exclusion or any other form of environmental clearance;
 - whether the project has the potential to affect historic properties and requires further compliance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108, and what the Parties anticipate (or have been informed) is the specific timing of any required activities under Section 106;
 - whether the project requires consistency review under the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1451-1467, and what the Parties anticipate (or have been informed) is the specific timing of any outstanding required activities under the CZMA; and
 - whether, for each project, the environmental review must be completed before the commencement of passenger operations.
- The status of Amtrak's negotiations with Mobile related to the land use agreement and the operating agreement, including whether Amtrak has provided Mobile with a final estimate of operating costs for which it seeks state or local funding.

After receiving the March 15, 2024, status report, the Board will determine what if any further steps it will require with respect to updates on status. This proceeding will remain in abeyance until further order of the Board. If, by May 1, 2024, the Parties have not notified the Board that their settlement has been fully implemented and requested dismissal of this proceeding, and if the Board has not otherwise ordered additional actions, the Parties will be required to file an additional joint status report on that date that includes an update on the information described above.

It is ordered:

1. This proceeding will remain in abeyance until further order of the Board.
2. The Parties are directed to file a joint status report with the information described above by March 15, 2024.

3. If the Parties have not notified the Board by May 1, 2024, that their settlement has been fully implemented and requested dismissal of this proceeding, and if the Board has not otherwise ordered additional actions, the Parties must file an additional status report on that date with an update on the information described above.

4. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.