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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. FD 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION UNDER  
49 U.S.C. § 24308(a) – CANADIAN NATIONAL RAILWAY COMPANY

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**STATEMENT BY THE NATIONAL RAILROAD PASSENGER CORPORATION  
IDENTIFYING DISPUTED ISSUES**

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Linda J. Morgan  
Kevin M. Sheys  
Peter W. Denton  
NOSSAMAN LLP  
1666 K Street, N.W., Suite 500  
Washington, D.C. 20006  
(202) 887-1400

*Counsel for National Railroad Passenger  
Corporation*

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**STATEMENT BY THE NATIONAL RAILROAD PASSENGER CORPORATION  
IDENTIFYING DISPUTED ISSUES**

On August 9, 2013, the Surface Transportation Board (“Board”) issued a decision instituting this proceeding to establish reasonable terms and compensation for use by the National Railroad Passenger Corporation (“Amtrak”) of the facilities and services of Grand Trunk Railway Company and Illinois Central Railway Company (collectively, “CN”). By stamp order dated August 21, 2013, the Board approved the procedural schedule proposed by Amtrak and CN. That order required the parties to make a joint submission by October 21, 2013 setting forth their disputed issues. Since the issuance of that order, the parties have continued to negotiate regarding various revised terms for their Operating Agreement.<sup>1</sup> The parties also attempted to reach agreement on a joint statement of disputed issues, but were unsuccessful in reaching such an agreement. Instead the parties agreed to file separate statements of disputed issues. Amtrak hereby seeks leave from the Board to file this Statement of Disputed Issues.

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<sup>1</sup> In accordance with the Board’s order served August 9, 2013, CN’s services to Amtrak and Amtrak’s use of CN’s facilities remain governed during the pendency of this proceeding by the terms of the now expired “Operating Agreement between National Railroad Passenger Corporation and Grand Trunk Railroad Company and Illinois Central Railroad Company,” dated May 1, 2011. As used herein, “Operating Agreement” refers to that agreement as it may be revised by order of the Board.

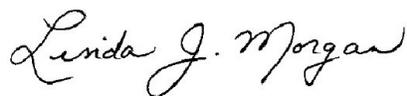
1. Compensation. The amount of compensation CN receives under the Operating Agreement, including whether, and if so, under what terms, CN should receive compensation in excess of CN's incremental costs for quality of service, including the formulation of such compensation and the administration thereof.

2. Penalties. To ensure a penalty program that effectively promotes improved operating performance of Amtrak trains, under what terms CN should be subject to penalties for untimely performance, including the formulation of such penalties and the administration thereof.

3. Geographic Scope. Whether, and under what terms, the Operating Agreement should be expanded to cover additional rail lines owned, leased, or otherwise held by CN or CN's U.S. affiliates.

4. Length of Contract. The establishment of a date and terms for expiration or termination of the Operating Agreement, and, if so, what that date and those terms should be.

Respectfully submitted,



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Kevin M. Sheys  
Peter W. Denton  
NOSSAMAN LLP  
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Washington, D.C. 20006  
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*Counsel for National Railroad Passenger Corporation*

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