

Date: April 6, 2022

Case: Public Evidentiary Hearing

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SURFACE TRANSPORTATION BOARD

REMOTE PUBLIC EVIDENTIARY HEARING FOR
"Application of the National Railroad Passenger
Corporation Under 49 U.S.C. Section 24308(e)
CSX Transportation, Inc., and Norfolk Southern
Railway Company."

VOLUME III

Wednesday, April 6, 2022

9:30 a.m.

Via Zoom Government

The above-entitled matter came on,
pursuant to notice, at 9:30 a.m., Chairman Martin
Oberman, presiding.

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1 P R O C E E D I N G S

2 CHAIRMAN OBERMAN: Good morning, everyone,
3 and welcome back to the third day of hearing on
4 Amtrak's application under 24308(e) to run trains
5 on the Gulf Coast line.

6 As one scheduling matter, I want to advise
7 everyone that today we will have a hard stop at
8 5:00 Eastern because of board scheduling matters.
9 And I think everyone knows that our next day of
10 hearing will be Friday. Tomorrow we are not
11 scheduled to have a hearing. And at some point,
12 perhaps today, but certainly no later than Friday,
13 we need to talk about further scheduling because it
14 does seem unlikely we will get all the witnesses in
15 this week, although we can always hope.

16 So with that, I believe we had finished
17 with Mr. Johnson yesterday. And, Ray, call your
18 next witness.

19 MR. MULLINS: Chairman Oberman, this is
20 Bill Mullins for Norfolk Southern. The next
21 witness is a Norfolk Southern witness --

22 CHAIRMAN OBERMAN: All right. Okay.

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1 MR. MULLINS: And I'm going to turn it
2 over to Mr. Donahoe for calling the witness and
3 asking the direct, and I am then going to get off
4 camera, but if you need me, I'll be available.

5 CHAIRMAN OBERMAN: All right.
6 Mr. Donahoe.

7 MR. DONAHOE: Good morning, board,
8 participants. Norfolk Southern calls Randy Hunt.
9 Whereupon,

10 RANDY HUNT,
11 was called as a witness and, having first been duly
12 sworn, was examined and testified as follows:

13 CHAIRMAN OBERMAN: Mr. Donahoe, you may
14 proceed.

15 MR. Donahoe: Thank you, Chair.

16 DIRECT EXAMINATION

17 BY MR. DONAHOE:

18 Q. Mr. Hunt, could you please introduce
19 yourself for the record?

20 A. Sure. My name is Randy Hunt. I am the
21 senior director of interline services for Norfolk
22 Southern Railroad.

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1 Q. And could you give us a little bit of the
2 benefit of your education?

3 A. I graduated from Duke University in 2004
4 with B.S. -- or B.A. degrees, rather, in political
5 science and history. I went to work for Norfolk
6 Southern shortly thereafter and have been employed
7 with them continuously since. And during my time
8 with Norfolk Southern I have also attended and
9 completed legal education at the Georgia State
10 University College of Law, and I'm now a licensed
11 attorney in the state of Georgia, though I'm not
12 practicing law for the railroad.

13 Q. When did you start with Norfolk Southern?

14 A. 2004.

15 Q. If we can, for the board's benefit, can we
16 just do a brief chronology of the jobs that you've
17 held since you started in 2004?

18 A. I hired out in the transportation
19 department as a management trainee. My training in
20 that position lasted for a number of months.
21 Subsequently promoted to a field supervisory role
22 as an assistant trainmaster. And from there I

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1 progressed through a number of positions of
2 increasing responsibility in the operations
3 department, held roles as trainmaster in various
4 locations. I did a period of time in our strategic
5 planning group, about two years in our Norfolk
6 headquarters. And then my last job in operations
7 was as the assistant superintendent for our hump
8 yard facility at Conway, Pennsylvania, which is
9 outside of Pittsburgh.

10 Q. During your work in operations, did you
11 have any experience with Amtrak being on our lines,
12 or vice versa for that matter?

13 A. Yes. I have had the privilege of working
14 with Amtrak through my entire career. From the
15 first job that I had as a management trainee and
16 through all of my positions of responsibility in
17 transportation, I directly supervised the Amtrak
18 crews that operated trains on our system.

19 In my first role, very first job, I
20 oversaw the Capitol Limited and Lake Shore Limited
21 trains that operate on our northern region. And at
22 a later point in my career I had the territory

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1 between Elkhart, Indiana, and Chicago that hosts
2 the highest frequency of Amtrak trains on Norfolk
3 Southern on any given day.

4 Q. If we can for a minute, can we kind of
5 focus a little bit on your work at Norfolk Southern
6 from about 2012 coming forward?

7 A. Sure. In 2012 I left the operating
8 department and transitioned into an office role. I
9 took on the assistant director of joint facilities
10 position. And in that role I became responsible
11 for the interactions that we have with our
12 connecting railroad partners, municipalities.
13 Essentially anywhere that we share some kind of
14 asset with another company or an entity, the joint
15 facilities group oversees that.

16 I was subsequently promoted to director of
17 that group, and have since been promoted to senior
18 director of interline services where I have kept
19 all of the responsibilities for those
20 relationships. I also am responsible, and have
21 been since 2012, for our direct relationship with
22 Amtrak and our commuter railroads, and I serve as

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1 the NRPC officer, which is a contract designation
2 that makes me the primary liaison with Amtrak for
3 all operational and contractual matters.

4 Q. How long have you served as the NRPC
5 officer for Norfolk Southern?

6 A. Since roughly 2013, 2014.

7 Q. And if I heard you correctly, that would
8 involve possibly negotiations with Amtrak?

9 A. Absolutely. Any interaction.

10 Q. And during your time as an NRPC officer,
11 have you, in fact, been involved in negotiations
12 with Amtrak?

13 A. I have, regularly.

14 Q. And specifically with Mr. Blair of Amtrak?

15 A. Yes.

16 Q. I want to ask you about some projects that
17 you had been involved in, and I kind of want to
18 drill down on the projects involving Norfolk lines
19 and the addition or establishment of passenger
20 lines on our lines. Okay?

21 A. Okay.

22 Q. Can you tell the board about any of those

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1 projects that you've been involved in?

2 A. Sure. So when I was new to the group in
3 the early 2010s, we had a series of projects that
4 were pending, one being the Piedmont Improvement
5 Project. That was a project that resulted in
6 roughly \$450 million of infrastructure investment
7 on Norfolk Southern's lines in the state of North
8 Carolina. It was a collaboration between Norfolk
9 Southern, the North Carolina Department of
10 Transportation, Amtrak, and other interested
11 parties.

12 That infrastructure investment paved the
13 way for a significant increase in passenger
14 operations on lines that already hosted passenger
15 trains. And we continued to implement those
16 services as the North Carolina DOT sees fit.

17 I was also a part of the project to bring
18 Amtrak service to Norfolk, Virginia. That service
19 hadn't run in several decades. We instituted that
20 in 2012. That was also a package of infrastructure
21 that totaled just under \$90 million. It included
22 things like signal upgrades, siding extensions,

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1 several types of infrastructure improvements that
2 are very similar to what we've been talking about
3 in this hearing. But that resulted in the
4 possibility of three daily round trips between
5 Norfolk and Petersburg, Virginia on Norfolk
6 Southern, two of which have already been
7 implemented now, and one will come in the future.

8 And then, finally, and most recently, we
9 instituted a new service between Lynchburg,
10 Virginia and Roanoke, Virginia. That was a
11 collaboration between Norfolk Southern, Amtrak, and
12 the Virginia Department of Transportation. That
13 also included roughly \$100 million of
14 infrastructure to, again, lengthen sidings, make
15 terminal improvements in the City of Roanoke. The
16 City of Roanoke is very similar to New Orleans in
17 some ways in the sense that several lines of
18 railroad come together, so beefed up the
19 infrastructure in that location to accommodate all
20 of that traffic. And there are additional
21 frequencies of that service coming on line in the
22 near future as well from subsequent negotiations.

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1 Q. Did I hear you correctly that the
2 infrastructure cost on the Piedmont project was
3 around \$450 million?

4 A. That's correct.

5 Q. Let me ask you a couple of broad questions
6 about all three of these projects. In each one of
7 these projects, was RTC modeling performed?

8 A. It was.

9 Q. In each one of these projects was the
10 infrastructure put in place before the addition of
11 the passenger lines?

12 A. With the exception of the Piedmont
13 Improvement Project where there was existing
14 passenger service that operated, the infrastructure
15 was installed prior to the service commencing. And
16 in the case of Piedmont, the infrastructure was
17 installed before the additional frequencies began.

18 Q. Did any of these projects, for lack of a
19 better term, have similar infrastructure needs as
20 the Gulf Coast project?

21 A. All of them had similar infrastructure
22 needs.

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1 Q. Let me ask you in general, as a result of
2 these projects being done, would you consider them
3 to be successful?

4 A. Absolutely. You know, depending on your
5 measure of success -- for me, it's about on-time
6 performance and it's about Amtrak being able to
7 provide a service to their passengers that they can
8 rely upon. Certainly those services are among the
9 highest performing on Norfolk Southern's lines.
10 They routinely exceed the new federal standard for
11 minimum on-time performance, and all of them
12 receive, to my knowledge, very high customer
13 service remarks from the customers directly to
14 Amtrak.

15 Q. With these projects -- and again,
16 comparing it to the Gulf Coast projects, I think
17 I've read that the Gulf Coast project, at least for
18 the Norfolk Southern portion, involves three
19 dispatchers; is that correct?

20 A. That's correct.

21 Q. And did any of those projects involve
22 three dispatchers?

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1 A. No. At most, those other projects -- you
2 know, two of them were entirely on Norfolk
3 Southern. One of them involved a handoff between
4 NS and CSX at a location which is similar to other
5 services that cross --

6 Q. And I think we also heard testimony
7 already that the back belt, the area we're going to
8 be talking about for Norfolk Southern, involves
9 kind of the intersection of six freight I
10 railroads; is that accurate?

11 A. Yes. Six class Is.

12 Q. Did any of those three projects you
13 discussed involve the intersection of six freight I
14 railroads?

15 A. Nothing even close.

16 Q. Would you agree with me that in certain
17 parts of the NS system there have been on-time
18 performance problems?

19 A. Sure. I think there's challenges, you
20 know, at various times through all kinds of
21 service, but we have had our passenger challenges
22 as well.

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1 Q. But on these three projects, when
2 infrastructure is put in place, RTC modeling was
3 performed, the on-time -- OTP was satisfactory?

4 A. And has been continually since the
5 projects were put in place. With very few
6 exceptions where we get, for episodic type of
7 events, those services have remained very high
8 performers.

9 Q. There's been some testimony about the
10 Sunset Limited, and I want to ask you, are you
11 aware that the Sunset Limited ran at night?

12 A. I am.

13 Q. Is there a difference, from your
14 perspective, that passenger lines run at night as
15 opposed to the daytime?

16 A. The primary difference, I think, would
17 be -- and I think Ricky Johnson may have spoken to
18 this yesterday -- is that typically customer
19 service operations are more heavily focused on
20 daylight hours. You know, customers largely work
21 during the day; not everyone is a 24 a day
22 operation -- 24-hour-a-day operation.

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1 So the fact that the trains -- the
2 proposed service would run during the day, at least
3 on the CSX portion, would lead to natural conflicts
4 with the windows that customers demand that they
5 receive cars. Overnight, you don't have the same
6 amount of local activity that you see during the
7 day, typically.

8 Q. And contrary to the testimony we heard
9 from CSX yesterday, there is Amtrak currently
10 running on the Norfolk Southern back belt.

11 A. There is.

12 Q. And what is the name of that service?

13 A. That's the Crescent service. That's a
14 daily round trip that moves between Alexandria,
15 Virginia, and New Orleans completely on Norfolk
16 Southern.

17 Q. What has --

18 MR. TREPP: Excuse me, Mr. Chairman. This
19 is Alex Trepp for Jenner & Block. We had our tech
20 go out, so we've missed the last several answers,
21 unfortunately, as well as the last several
22 questions. We have our tech team coming in to try

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1 and address that now. But we'd respectfully
2 request a brief pause in order to address the tech
3 and then also to identify the questions and answers
4 that were missed by virtue of the shutdown.

5 CHAIRMAN OBERMAN: Let me suggest that we
6 take a quick -- a brief recess. But will you keep
7 us posted? How are we going to communicate with
8 you if you're not on Zoom?

9 MR. TREPP: Mr. Chairman, I apologize, but
10 unfortunately, the link that we have coming through
11 appears to be also a lag, so we are hearing what
12 appears to be some back-feed from Mr. Hunt.

13 CHAIRMAN OBERMAN: Well -- can you hear me
14 now?

15 MR. TREPP: We're resetting the Zoom now,
16 Mr. Chairman, and we will -- we should be back
17 online shortly, and Ms. Amunson will alert you.

18 CHAIRMAN OBERMAN: Can you listen to the
19 YouTube -- roll it back and listen to the last few
20 questions so you can get up to date?

21 MS. AMUNSON: Yes, Mr. Chairman, we'll do
22 that. It was just the last maybe three minutes or

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1 so. And we apologize. If we can just take three
2 minutes to --

3 CHAIRMAN OBERMAN: Are you hearing me now?

4 MS. AMUNSON: Yes, I can now hear you.

5 CHAIRMAN OBERMAN: Okay.

6 MS. AMUNSON: We will reset the Zoom.

7 CHAIRMAN OBERMAN: Would a five-minute
8 recess be sufficient?

9 MS. AMUNSON: Yes. Thank you, sir. I
10 appreciate it.

11 CHAIRMAN OBERMAN: All right. It is 9:47.
12 We will reconvene at 9:52.

13 (Whereupon, a recess was taken at
14 9:47 a.m. until 9:52 a.m. and then the proceedings
15 continued as follows:)

16 CHAIRMAN OBERMAN: We're back on the
17 record. Mr. Donahoe, proceed.

18 MR. DONAHOE: Could I ask the court
19 reporter to read back the last question, if that's
20 okay?

21 (Record read back as requested.)

22 BY MR. DONAHOE:

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1 Q. Has Norfolk Southern made any
2 accommodations to the Crescent service on the back
3 belt?

4 A. We have. And, really, accommodation might
5 be a strong word. It's an operating procedure that
6 we've had in place for some number of years. The
7 Crescent is a service that has historically been
8 performance-challenged. And so one place that we
9 have, you know, complete control over trying to get
10 that train into the final destination, you know,
11 with minimal delay is the back belt.

12 As we'll talk about, I assume, later,
13 there is a lot of congestion on the back belt, and
14 so what we have done as an operating practice
15 for years -- and we're doing it today as we speak
16 with the departure of the northbound train -- we
17 are -- what we do is we essentially create a window
18 around the Amtrak scheduled arrivals and
19 departures. And so by window I mean the back belt
20 is a double-track railroad. It's got some
21 infrastructure for the purposes of crossing over
22 and moving around, but the back belt is also a

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1 place where trains stop routinely, they're held to
2 queue for going to and from different carriers.
3 And so the Amtrak window is our attempt to mitigate
4 the potential delays to Amtrak.

5 And so for about an hour -- somewhere
6 between 45 minutes and an hour -- twice daily we
7 essentially clear the path. So if we look at an
8 Amtrak train that, say, is approaching from the
9 north to New Orleans with about a 45-minute to an
10 hour headway of when we expect the train to arrive,
11 we stop moving traffic on the route that the Amtrak
12 train needs to utilize.

13 Similarly, for the scheduled departure
14 northbound, we stop moving trains when the Amtrak
15 train is scheduled to come out. And that really
16 eats into the capacity of the railroad.
17 Essentially, we shut down for about two hours a
18 day.

19 Q. So other than the Crescent running during
20 that time period, no other operations are going on
21 the back belt during that one- to two-hour period?

22 A. Because of the way traffic moves to and

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1 from the back belt, typically, we shut down the
2 line entirely.

3 Q. So effectively that takes the operation of
4 that line down from 24 hours to, ballpark, 22
5 hours?

6 A. Roughly.

7 Q. Every day?

8 A. Every day. Every day that the trains
9 operate. There have been some service --

10 Q. Now, what would the addition of the
11 proposed service Amtrak is seeking do to this
12 so-called window?

13 A. Well, absent infrastructure investment
14 that mitigates the impact, we would be left with no
15 choice but to do exactly what we do with the
16 Crescent trains. Four more times a day you would
17 be forced to essentially stop all your freight
18 business entirely and clear a path for Amtrak. And
19 so your operating day would further be reduced from
20 22 hours to something like 18 hours or less.

21 Q. So, in general, when the service is
22 running, instead of a 24 [sic] operational period,

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1 it would be reduced down to around 18 hours,
2 ballpark figure?

3 A. Ballpark.

4 Q. Would this only have an effect on the
5 Norfolk Southern freight lines?

6 A. This would have a tremendous impact on all
7 of the carriers in New Orleans.

8 Q. New Orleans is fairly congested to begin
9 with?

10 A. It's congested as is any major interchange
11 location. Not any more or any less, but it's a
12 very busy place, yes.

13 Q. Can you compare it with any other
14 interchange locations that you're familiar with?

15 A. I can. Speaking only for Norfolk
16 Southern, because we obviously have only views to
17 our own data, but from an interchange standpoint,
18 there are five major gateways in the country that
19 connect east and west, and that's St. Louis, Kansas
20 City, Memphis, New Orleans, and Chicago being the
21 big one. And people think about Chicago as kind of
22 the biggest interchange. New Orleans is in the

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1 same ballpark as Chicago. We move 15 percent of
2 our east/west interchange with our connecting
3 carriers through New Orleans, and so that's on par
4 with the other three locations that I named, and
5 it's in the same realm as Chicago. So it's a busy
6 little place for being a small geographic area.

7 Q. Are you familiar with the Gulf Coast
8 Working Group?

9 A. I am.

10 Q. At the outset of that working group was NS
11 included in any discussions?

12 A. We were not.

13 Q. So did those discussions involve the back
14 belt?

15 A. They did not. And, actually, through all
16 of the work that that group performed, and even the
17 report that was ultimately published, the back belt
18 was not studied or considered in any way.

19 Q. And there was infrastructure recommended
20 by the Gulf Coast Working Group, correct?

21 A. There was.

22 Q. But obviously there would have not been

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1 any infrastructure recommended for anything along
2 the back belt.

3 A. As I said, in fact, the report
4 acknowledges that the back belt was not studied,
5 there was no consideration; it was as if the world
6 ended at Gentilly Yard and beyond that, onto
7 Norfolk Southern, there was no consideration of
8 what would happen in that terminal, which is a
9 major choke point for --

10 Q. Despite the fact that we're discussing an
11 area where six freight I railroads intersect?

12 A. That's right.

13 Q. Sir, I would like to turn your attention
14 to why we're here, which is the Gulf Coast project.
15 When did you get involved in this project?

16 A. So I have been involved in this project as
17 long as it has been conceived and involved Norfolk
18 Southern. You know, in concert with some other
19 folks at Norfolk Southern who have stakes in this
20 type of consideration, you know, I have had really
21 the operational oversight for this proposal from
22 the first day.

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1 And so that would have been after the Gulf
2 Coast Working Group started their work, we were
3 made aware of that effort, and communications began
4 kind of peripherally sometime after that, but I've
5 been involved since that point.

6 MR. DONAHOE: With the board's permission
7 I would like to introduce Exhibit -- Joint Exhibit
8 CSX/NS 169, which is an aerial map view which will
9 give the board some idea of the location that we're
10 talking about with the back belt.

11 CHAIRMAN OBERMAN: Mr. Donahoe, our court
12 reporter is asking you and Mr. Hunt to slow down
13 just a little bit --

14 MR. DONAHOE: Sure. Will do.

15 CHAIRMAN OBERMAN: -- so she can stay
16 tuned. You know, we're all doing this remotely.

17 Any objection to Exhibit -- this is the
18 Joint NS/CSX exhibit book, not the joint overall
19 exhibits; is that correct?

20 MR. DONAHOE: Correct.

21 CHAIRMAN OBERMAN: Any objection to
22 Exhibit 169 being exhibited?

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1 MR. WIMBISH: Not from the Port.

2 CHAIRMAN OBERMAN: Jessie?

3 MS. AMUNSON: For Amtrak, we would just
4 ask whether this is being offered for the same
5 purpose with respect to the -- as CSX so stipulated
6 yesterday, simply as a visual aid.

7 MR. DONAHOE: Yes. This is a map, an
8 aerial view.

9 MS. AMUNSON: No objection.

10 CHAIRMAN OBERMAN: Is it a map or a
11 photograph, Mr. Donahoe?

12 MR. DONAHOE: It's an aerial view.

13 (CSX/NS Exhibit 169 marked for
14 identification was introduced.)

15 CHAIRMAN OBERMAN: All right. Proceed.

16 BY MR. DONAHOE:

17 Q. Mr. Hunt, we're going to start with this.
18 Can you kind of describe to the board what this
19 indicates?

20 A. Sure. And I will -- I hope everyone can
21 see the red laser pointer here. This is -- this is
22 New Orleans, with an overlay of the various

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1 railroads within the gateway. And this goes out
2 quite a bit outside of the city proper, which is
3 really in this area. But CSX, in this view, is
4 depicted in red; Norfolk Southern would be the
5 green lines that I'm trailing. Norfolk Southern's
6 line, obviously, continues north beyond
7 Hattiesburg, Meridian, Atlanta, and beyond. CSX's
8 line to Mobile would go off the page to the right.

9 You also have the interaction with the
10 western carriers depicted here as -- the CN in --
11 depicted in pink and the joint Union Pacific and
12 BNSF lines in yellow departing. The New Orleans
13 Public Belt is depicted in purple.

14 So as you can see, it's quite the
15 spaghetti bowl of interactions here within the
16 city.

17 Q. Do we have an aerial map that focuses in a
18 little bit more than what we're seeing now?

19 A. Sure. If I can zoom in on this section,
20 it will make it a little clearer.

21 So this -- again, this is just a more
22 zoomed-in view of exactly how the back belt

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1 connects to and from the western carriers. So this
2 location that's denoted as CN/IC connection, that
3 would be sort of the end of the line for Norfolk
4 Southern. That's the terminus of the back belt and
5 the tie-in to East Bridge Junction and the western
6 carriers. Both the CN/KCS here as well as the
7 Union Pacific and the BNSF who traverse the Huey P.
8 Long Bridge.

9 And it's worth noting the Huey P. Long
10 Bridge that I'm circling here is one of the primary
11 crossings of the Mississippi River for the U.S.
12 freight industry. That bridge was built in 1935.
13 It's over 5 miles long from approach to approach.
14 And it is incredibly maintenance-intensive. It --
15 in fact, twice a week for a full shift the bridge
16 shuts down to what we call a single-lane day where
17 you only have one track versus two to operate. So
18 everything that goes between Norfolk Southern and
19 CSX and the western carriers traverses this bridge.
20 Amtrak traverses this bridge daily as well, the
21 Sunset Limited service.

22 But the primary area of concern for us is

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1 the back belt, and the back belt from East City
2 Junction to Elysian Field where the Gulf Coast
3 service would operate -- if I could zoom in there,
4 I'd like to speak about that.

5 Q. Sure. And let me ask you a question while
6 we're bringing that up. How many freight movements
7 a day are typically on this back belt area?

8 A. So on any given day you're going to see
9 between 15 and 20 to 22 movements, and I say
10 movements because there are -- as we noted earlier,
11 there are two passenger trains that operate
12 currently over this route. But --

13 Q. Excuse me. So in addition to Norfolk and
14 Amtrak running on it, there's other railroad that
15 are running on the back belt?

16 A. There are. Norfolk Southern interchanges
17 via this line with BNSF, Union Pacific, the CN, the
18 KCS, all of that traffic moves here. Additionally,
19 CSX interchanges with all of those carriers as
20 well. And the back belt is really what I would
21 call sort of like an interstate highway. There's
22 no real work -- there aren't a lot of exit ramps,

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1 but there's a lot of things that have to go from
2 end to end to get between all of the carriers.

3 This is the through route for all of the
4 interchange in the City of New Orleans. There is
5 not an alternative. The NOPB does some limited
6 carload interchange, but the vast majority of
7 traffic that moves through this gateway moves over
8 the Norfolk Southern back belt to connect east and
9 west.

10 CHAIRMAN OBERMAN: Excuse me, Mr. Donahoe.
11 I'm wondering, to put this in perspective, if
12 Mr. Hunt could just zoom this map out a little bit
13 and show us where the Gulf Coast trains would run
14 from the Gentilly Yard, which I guess is where CSX
15 ends and where NS picks up, and where the station
16 is. I'm having trouble orienting myself to this
17 aerial photo.

18 THE WITNESS: Absolutely. Chairman, if
19 you'll indulge me, if we can zoom out to the
20 largest view of the map, I'll give you sort of the
21 geographic lay of the land. And then if you'll
22 allow me to zoom back in, I'll show you

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1 specifically where those points are.

2 CHAIRMAN OBERMAN: That would be very
3 helpful.

4 THE WITNESS: Thank you, sir.

5 So as I noted, the CSX line from Mobile --
6 you know, if you can see my cursor, Mobile is
7 railroad north, geographic east of this point.
8 This is the CSX line from Mobile into New Orleans.

9 Gentilly Yard is right here. The location
10 that you saw yesterday at Gentilly, this is the
11 location that's depicted. And so, as you continue
12 to follow that red line farther east, the
13 intersection of Norfolk Southern and CSX where the
14 trains would traverse from their railroad to ours
15 is the point that I have noted right there on the
16 map. And then across the back belt onto this
17 orange segment -- and if we can zoom back in to the
18 closest view, it will become clearer.

19 Chairman, this is the closer view of the
20 red CSX line coming in. The connection to Norfolk
21 Southern at Elysian Fields, operation for the
22 3-plus miles over Norfolk Southern's back belt to a

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1 location called East City Junction, and then the
2 trains exit the back belt onto Amtrak-controlled
3 trackage continuing down here near the Superdome to
4 the location noted as the Amtrak passenger station.

5 CHAIRMAN OBERMAN: All right. So that
6 is -- so the Gulf Coast line would not go over the
7 Huey Long Bridge?

8 THE WITNESS: It would not, sir. That's
9 correct. The Huey Long Bridge is the connection to
10 the western carriers farther to the west.

11 CHAIRMAN OBERMAN: So which Amtrak -- but
12 you said Amtrak trains go over the Huey Long
13 Bridge, so where do they go?

14 THE WITNESS: They are trains that operate
15 to and from -- today, the Sunset Limited moves over
16 the Huey Long Bridge to get into the Amtrak
17 passenger station.

18 CHAIRMAN OBERMAN: I see. And where is
19 the Crescent? How does it -- where does it go?

20 THE WITNESS: The Crescent comes south,
21 you know, from Atlanta through those points that I
22 noted -- Alexandria, Virginia, being the first stop

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1 on Norfolk Southern. And it continues -- it
2 intersects the CSX at this point called NE Tower,
3 comes down to Terminal Junction, which we will see
4 in more detail shortly, and then turns to the west
5 across the back belt and ultimately meeting the
6 exact same route the Gulf Coast would traverse to
7 make the same exit at East City Junction to the
8 passenger station.

9 CHAIRMAN OBERMAN: All right. So from
10 the -- from just past where the CSX Line -- just
11 above your cursor there -- meets Norfolk
12 Southern --

13 THE WITNESS: That's correct.

14 CHAIRMAN OBERMAN: -- then down further on
15 back belt, from just past there, the Gulf Coast
16 line and the Crescent would follow the same path?

17 THE WITNESS: The identical path, yes,
18 sir.

19 CHAIRMAN OBERMAN: Okay. That's very
20 helpful just to put all this in perspective. Thank
21 you.

22 THE WITNESS: And it's worth noting -- you

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1 know, I mentioned earlier that there's multiple
2 handoffs. You know, when the lines change color,
3 that's a good way to think about the dispatching
4 interaction. CSX controls the train to here, but
5 then it becomes a train Norfolk Southern has to
6 accept and has to handle. And again, when the
7 train reaches the orange segment, it's no longer a
8 Norfolk Southern train; it becomes an Amtrak train.

9 And so at all three of those points, there
10 has to be very sharp communication and coordination
11 between the dispatchers to make sure that no one
12 has done anything operationally that's going to
13 impede the continuous movement of that train.
14 That's why the -- things like the Amtrak window are
15 so vital here, because you have lots of parties who
16 control different pieces.

17 CHAIRMAN OBERMAN: Well, one other
18 question. Once the trains get to the orange line,
19 are only Amtrak trains on those tracks?

20 THE WITNESS: That's correct, sir. That
21 is -- Amtrak controls the New Orleans Union
22 Passenger Terminal Railroad that is operated and

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1 maintained by Amtrak.

2 CHAIRMAN OBERMAN: And no freight trains
3 use that line for any purpose?

4 THE WITNESS: To my knowledge, there is no
5 freight service served, but I'm not familiar with
6 what they do. They may have their own freight
7 operations, ballast trains and things, but not to
8 my knowledge.

9 CHAIRMAN OBERMAN: Okay. Thank you very
10 much.

11 Go ahead, Mr. Donahoe.

12 MEMBER PRIMUS: I'm sorry. This is Robert
13 Primus. I'm going to --

14 CHAIRMAN OBERMAN: Go ahead, Robert.

15 MEMBER PRIMUS: I'm going to try to hold
16 the rest of my questions to the end, but just a
17 quick one.

18 How long, in terms of the distance, is the
19 back belt between the transfer point from -- off
20 the CSX line to the Amtrak orange line?

21 THE WITNESS: From the CSX point to the
22 East City Junction -- the entire route is just over

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1 3 miles.

2 MEMBER PRIMUS: 3 miles? Okay.

3 THE WITNESS: Yes, sir.

4 MEMBER PRIMUS: Thank you.

5 CHAIRMAN OBERMAN: Robert, was that the
6 question you had?

7 MEMBER PRIMUS: I have others, but I'll
8 wait until the end.

9 CHAIRMAN OBERMAN: Okay. Thanks very
10 much.

11 Go ahead, Mr. Donahoe.

12 MR. DONAHOE: Thank you.

13 BY MR. DONAHOE:

14 Q. Currently does Norfolk Southern have any
15 intention of adding infrastructure to this line as
16 it exists today?

17 A. No. We've made some pretty significant
18 infrastructure investments in the last
19 several years. This line has been beefed up
20 significantly to handle the existing and projected
21 freight business. And at this time, the railroad
22 can really accommodate what we foresee from a

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1 freight standpoint.

2 MR. DONAHOE: With your permission,
3 Chairman, I would like to introduce Joint CSX/NS
4 Exhibit 168, which we previously designated as
5 confidential. We ask to remove that designation.

6 Mr. Chairman, you're on mute.

7 CHAIRMAN OBERMAN: Amtrak, any objection?

8 MS. AMUNSON: No objection, Your Honor,
9 other than our continued request that CSX and NS
10 please let us know when they have decided that
11 information that they have previously designated as
12 highly confidential or confidential is
13 undesignated.

14 CHAIRMAN OBERMAN: A reasonable request.

15 MR. DONAHOE: We will do so.

16 CHAIRMAN OBERMAN: All right. Rob
17 Wimbish, any objection?

18 MR. WIMBISH: No objection, sir.

19 CHAIRMAN OBERMAN: Proceed.

20 (CSX/NS Exhibit 168 marked for
21 identification was introduced.)

22 BY MR. DONAHOE:

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1 Q. Mr. Hunt, could you explain to the board
2 what this stick diagram, for lack of a better term,
3 indicates?

4 A. Absolutely. So this is -- you know, the
5 aerial map is nice, but it's a little simpler to
6 look at this in terms of connections and how the
7 railroad is laid out. This is the footprint that
8 the proposed Gulf Coast service would operate over
9 in New Orleans on Norfolk Southern. Again, what
10 was depicted in red are these blue lines. This is
11 the CSX coming from Mobile into New Orleans. The
12 location at the end of the back belt connecting to
13 Norfolk Southern's Oliver Yard is called Terminal
14 Junction. And then these are the various control
15 points and operating locations along the back belt.

16 This is the infrastructure as it exists
17 today. And I depict, for purposes of, you know,
18 scale and understanding, where trains are
19 positioned. These two arrows depicted in gray
20 represent 10,000-foot trains and how they would be
21 positioned when they are stopped on the back belt
22 during their operations.

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1 Q. If we -- and you're aware of the proposed
2 Norfolk Southern infrastructure projects requested,
3 correct?

4 A. I am.

5 MR. DONAHOE: And can we put up -- it's
6 also part --

7 CHAIRMAN OBERMAN: Before you leave
8 this --

9 MR. DONAHOE: Sure.

10 CHAIRMAN OBERMAN: Before you leave this
11 exhibit, Mr. Donahoe, are these gray arrows -- you
12 said they depict 10,000-foot trains. I take it
13 they're not intended to be proportional in length;
14 they're different lengths. Is that --

15 THE WITNESS: That's correct, sir. This
16 is not scaled but -- it is scaled in terms of the
17 depiction, but it is not accurate from, you know,
18 inches to footage.

19 CHAIRMAN OBERMAN: Okay. I was just a
20 little confused. Thank you. Go ahead.

21 MR. DONAHOE: Sure. If we could pull up
22 the next stick diagram.

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1 BY MR. DONAHOE:

2 Q. Mr. Hunt, what is this showing with
3 respect to the proposed projects requested by
4 Norfolk Southern?

5 A. So what you see depicted here in red,
6 first, it's the schematic that you just saw with
7 some red lines added that depict the infrastructure
8 that was identified in the RTC model as being
9 necessary to mitigate the impacts of the passenger
10 service to freight.

11 To describe these, it's important to know
12 sort of how the railroad operates. As I mentioned,
13 we laid these gray arrows onto the screen to depict
14 where trains stop. And there's a particular reason
15 for that. Today everything -- you know, but for
16 trains that go to and from the CSX, any Norfolk
17 Southern interchange train is going to operate this
18 way. You have it pulled down to Terminal Junction.
19 It's either going to perform a work event -- and
20 what I mean by work event would be a setoff or
21 pickup of freight traffic within Oliver Yard,
22 changing out of locomotives, all the things that

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1 accompany terminal work. It either would have a
2 work event, in which case some portion of the train
3 would be taken into Oliver Yard to perform that
4 work event, with some portion of the train
5 returning, or the train is going to receive a road
6 crew that would operate towards Meridian and would
7 ultimately turn north and head up the line that
8 headed north out of New Orleans.

9 That is the operation as it stands today.
10 And the reason that the train has to operate that
11 way is because, as you see this line depicted in
12 red, that is a proposed piece of infrastructure,
13 today there is no connection for main 1 to operate
14 in Oliver Yard, so we must operate off of main
15 number 2, which works well for us. That works
16 today. We've got the infrastructure to support
17 that.

18 Similarly, trains that are operating to
19 the west, either from Norfolk Southern, CSX --
20 there are multiple moves today -- when you get
21 beyond East Bridge -- I'm sorry. When you get
22 beyond East City Junction towards East Bridge

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1 Junction, the railroad turns into single track, and
2 it becomes a railroad that's intersected by a
3 number of back-to-back road crossings.

4 So Canal, this point which is just to the
5 west of East City Junction, as we depicted on the
6 map, is the hold-out point for any train that has
7 to get onto the Huey P. Long Bridge. So with that
8 bridge having multiple shifts a week where they can
9 only accept trains in one direction, it is a
10 queuing system similar to the back belt. Trains
11 are often holding on the bridge, and so that is the
12 natural hold-out point to stay off of road
13 crossings for trains going to the west. And the
14 existing infrastructure is sometimes impacted by
15 that.

16 Q. So let me just ask you about the
17 crossovers.

18 A. Sure.

19 Q. At a very broad level what problem does
20 the implementation of these crossovers solve?

21 A. So starting at Terminal Junction, this --
22 I'll start with the crossovers and then I'll speak

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1 to the freight lead. But the --

2 Q. We'll get to that.

3 A. The crossover that I noted here that goes
4 from main track number 1 to main track number 2,
5 because you're going to introduce these additional
6 windows, these four extra trains and, you know,
7 taking our operation down from 18 -- or from 22
8 hours, rather, to 18 hours, this gives you
9 flexibility to use either of your tracks as you see
10 fit at any time and provides flexibility to clear
11 the railroad for Amtrak. That is the point of
12 the Terminal Junction crossover. It allows things
13 to move from either track into and out of Oliver
14 Yard. If, for some reason, there is already a
15 train on main number 2 and you have another train
16 that is queued to come behind it and you're
17 blocking East City Junction, for example, you can
18 then cross over, get around that train and get out
19 of the way in a way that you can't do that today.

20 And so that's aimed primarily at
21 protecting the ability to move Amtrak fluidly.

22 Similarly at Elysian Fields -- and we'll

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1 see this in some drone footage shortly. Elysian
2 Fields today, while it may look, on the previous
3 schematic, as if there was the ability to cross
4 from main number 1 to main number 2 from the south
5 CSX main, that, in fact, is not a crossover.
6 That's what is functionally a diamond. And so
7 coming from the CSX south main your only option is
8 to operate to main track number 2.

9 It is very common for a train to be
10 utilizing one or the other of the CSX mains at a
11 time when Amtrak -- one of those four moves per day
12 might need to come through. And so by moving the
13 crossover at Elysian Fields and creating the true
14 ability to go from either track to either track,
15 you have drastically improved your connectivity and
16 provided a route for Amtrak to move when one of the
17 other tracks might be blocked.

18 Q. So in very basic terms, the addition of
19 the Amtrak service creates a greater window which
20 requires these crossovers to move trains to provide
21 access through those windows?

22 A. That's right. The alternative would be,

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1 if you have to hold the window for Amtrak and you
2 don't have this capability, functionally you just
3 have to keep the trains off the line. And so then
4 what happens is these trains would start to back up
5 off this territory, off the map back as far as,
6 say, Houston. And that's not an exaggeration. We
7 have seen western carriers hold trains back in
8 those types of ways when we have congestion in this
9 gateway.

10 Similarly, NS would hold at, say, Atlanta
11 or Meridian while CSX could get backed up as far as
12 Mobile. So this would have -- not having this
13 capability would put a huge strain on the freight
14 service. This allows trains to move in concert
15 with that additional passenger burden.

16 MR. DONAHOE: Mr. Chair, I would like to
17 pause here in case there are some questions. I am
18 going to discuss the freight lead with him, but I
19 think this might be a good place to pause if people
20 have questions.

21 CHAIRMAN OBERMAN: I appreciate that,
22 Mr. Donahoe.

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1 I have one, Mr. Hunt. These crossovers
2 are -- I'm trying to match up your diagram with the
3 projects in Mr. Niemeyer's verified statement.

4 THE WITNESS: Yes, sir.

5 CHAIRMAN OBERMAN: So he has a St. John's
6 crossover. Where is that?

7 THE WITNESS: That is depicted at this
8 location noted St. John at 5.2NT mile post. That
9 is this location, sir.

10 CHAIRMAN OBERMAN: And which dotted
11 lines -- are both of those lines referred to as the
12 St. John's crossover?

13 THE WITNESS: That's correct. That would
14 be what we call a universal crossover. That allows
15 movement from either track to either track
16 directionally.

17 CHAIRMAN OBERMAN: All right. And then
18 you have the Elysian Fields -- appropriately
19 named -- crossover.

20 THE WITNESS: Yes, sir. That is this
21 location here. That's the location I just noted
22 that allows you to move either track to either

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1 track to and from the CSX.

2 CHAIRMAN OBERMAN: All right. And there
3 are three sets of dotted lines there. Are all of
4 those included in the Elysian Fields crossovers?

5 THE WITNESS: No, sir. The third NS
6 project that's included in the NS projects is
7 Terminal Junction, and that would be these two
8 crossovers, one of which exists today and is simply
9 powering up an existing crossover. That's this
10 line. The new construction would be the ability to
11 move from main track number 1 to main 2 into the
12 yard that doesn't exist today.

13 CHAIRMAN OBERMAN: But the lower dotted
14 line is track which exists?

15 THE WITNESS: This line --

16 CHAIRMAN OBERMAN: No. Back to where you
17 were. Yeah, that portion.

18 THE WITNESS: That is an existing
19 hand-operated crossover that would be converted to
20 power operation.

21 CHAIRMAN OBERMAN: Got it. Okay. Now,
22 the horizontal line you were about to go to, what's

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1 that part of? Is that an infrastructure project as
2 well?

3 THE WITNESS: It is. And this is one
4 that, you know, if you asked my opinion, I would
5 tell you is probably one of the most beneficial, if
6 not the most beneficial, projects certainly in
7 New Orleans, but across the entire corridor. It is
8 called the freight lead extension. And I can tell
9 you more about that if you would like me to.

10 CHAIRMAN OBERMAN: Well, I'm only trying
11 to relate it to the projects listed in
12 Mr. Niemeyer's verified statement, and I'm not sure
13 I see a freight lead extension, unless it's
14 included.

15 THE WITNESS: I believe there were a
16 number of additional projects that Mr. Niemeyer
17 noted in his report. It was referenced, I believe,
18 in the -- and I may get the name of the filing
19 incorrect, but I believe the RTC rebuttal filing
20 spoke extensively to the freight lead extension,
21 but it was included in Mr. Niemeyer's report as an
22 additional project for consideration.

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1 CHAIRMAN OBERMAN: Well, I'm looking at
2 what has been labeled as Appendix B, the
3 November 3rd verified statement by Ted Niemeyer.
4 Is that the one I should be looking at here, or
5 something else?

6 THE WITNESS: Sir, if you would indulge
7 me. If my counsel can --

8 CHAIRMAN OBERMAN: Oh, I see. There is --

9 MR. DONAHOE: Yes, it is, Chair.

10 CHAIRMAN OBERMAN: I'm sorry. I do see at
11 the very end he refers to the freight lead
12 extension on page 11. Okay.

13 So I'm wondering if you could tell us,
14 just by dimension -- just go through each of these
15 projects and tell us how many feet or miles they
16 are, starting with the St. John's, just so I can
17 make a note of that.

18 THE WITNESS: Yes. So St. John's is
19 roughly 12,800 feet from Terminal Junction.

20 CHAIRMAN OBERMAN: But how long is the --
21 how long is the construction project? Those two
22 dotted lines, how much feet of track are we talking

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1 about?

2 THE WITNESS: Oh. Now you're quizzing me
3 on things outside of my ken, but the distance --
4 universal crossover, and these would be -- you
5 know, these would be installed as high-speed
6 crossovers. So, you know, number 20, potentially,
7 turnouts. You're talking about several hundred
8 feet. It's not -- it's not, you know, a thousand
9 feet. It's something less than that. It's, you
10 know, similar to the dimensions of this Paris
11 Interlocking that you will see in some drone
12 footage. It's a relatively short space.

13 And I'll actually show you also in a drone
14 footage shortly the geographic location where that
15 would go. And there's lots of room there. So
16 you've got -- what you would have is 12,000 clear
17 feet to -- to move through --

18 CHAIRMAN OBERMAN: I'm just trying to
19 understand the magnitude of the construction
20 project. And would the other crossovers -- I
21 forgot the names already -- the Elysian Fields and
22 Terminal Junction crossovers -- are those also

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1 several hundred feet?

2 THE WITNESS: So Elysian Fields exists
3 today. You would be shifting the south main line
4 ever so slightly to provide enough room to put a
5 crossover in today where it is just a crossing
6 line. But the footprint of Elysian Fields would
7 not materially change. You would simply shift the
8 main line somewhat to allow the space within the
9 interlocking.

10 CHAIRMAN OBERMAN: How many feet of
11 main line do you have to shift?

12 THE WITNESS: That, sir, I can't answer.

13 CHAIRMAN OBERMAN: I mean, are we talking
14 about a few hundred again or something like that?

15 THE WITNESS: I can't tell you
16 definitively, but there would be some amount of
17 shifting.

18 CHAIRMAN OBERMAN: All right. So none of
19 those three crossovers at Elysian Fields or
20 Terminal Junction represent new track. You're
21 talking about new controlling of switching; is that
22 fair?

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1 THE WITNESS: With the exception of this
2 crossover that does not exist today. That would be
3 a new installation, but it would be installed in
4 the existing trackage.

5 CHAIRMAN OBERMAN: What do you mean in the
6 existing trackage?

7 THE WITNESS: It would connect main line
8 number 1 to main line number 2.

9 CHAIRMAN OBERMAN: Oh, I see. Okay. And
10 is that also a few hundred feet, like the
11 St. John's?

12 THE WITNESS: And Terminal Junction today
13 is an interlocking that exists, and so it would
14 simply be a new crossover within the interlocking
15 with some movement of the home signals, but, yes,
16 similarly sized.

17 CHAIRMAN OBERMAN: And the freight lead?

18 THE WITNESS: And so the freight lead
19 project -- and this will hopefully be very clear
20 here as we see some drone footage on just how
21 trains operate -- today this gray arrow depicts the
22 hold-out point, as I noted. Every train that

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1 operates to and from Norfolk Southern from the west
2 moves to this track and inevitably stops either for
3 a crew change, an engine swap, a work event within
4 Oliver Yard. The trains sit here for some period
5 of time by design. And there is nothing you can do
6 to get around that because crews have to change,
7 engines have to be swapped, and cars have to be set
8 off and picked up. That's just railroad
9 operations, as I'm sure you fully understand.

10 That limits what Amtrak can use from a
11 capacity standpoint because our freight operation
12 requires us to do that. The reason this freight
13 lead extension is so compelling is you would
14 essentially pick that arrow up and set it down on
15 this track here, and you now have a route that
16 Amtrak can utilize at all of the times during the
17 day, and I'm -- you know, it's not a one-off type
18 of thing. Trains are moving over this line 24
19 hours a day.

20 During all of those hours of the day when
21 you have a train parked there, and not because of
22 inefficiency or not because we're doing something

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1 we could do better, simply because there is no
2 other way to operate, you would clear that space
3 for potential Amtrak movement. And that is why
4 that project is so compelling is, absent that, a
5 train just couldn't come into the picture and you
6 would have to push those freight operations far out
7 of this gateway.

8 And I would posit that, ultimately, you're
9 going to push traffic to other gateways and create
10 other types of issues. It's almost like a ripple
11 effect, introducing Amtrak without infrastructure.

12 CHAIRMAN OBERMAN: All right. Let me --

13 THE WITNESS: This is the infrastructure
14 that keeps us fluid.

15 CHAIRMAN OBERMAN: Let me just understand.
16 The new construction, there are the red dotted
17 lines, right?

18 THE WITNESS: That is correct, sir. We
19 have roughly 3,000 feet today on what we call the
20 freight lead which cannot accommodate any of the
21 trains that operate simply because of length. And
22 it never has been designed for that. It's

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1 essentially a yard lead in and out of the yard.

2 This would extend that as a staging point or a
3 place where trains could perform their work out of
4 the way of Amtrak, and it would extend it out to
5 roughly 12,000 of clear feet.

6 CHAIRMAN OBERMAN: So it's another roughly
7 9,000 feet of line?

8 THE WITNESS: That's correct, sir. And
9 that would tie in to this Terminal Junction project
10 and trains could then do the same type of moves
11 that they do today, which is the reason for
12 powering this one up.

13 CHAIRMAN OBERMAN: Okay. And I do see
14 that project now in Mr. Niemeyer's statement.
15 Okay. Thank you. I just wanted to understand the
16 magnitude of what we were talking about here to
17 some degree. We'll probably get into it more a
18 little bit later.

19 Are there other questions by board members
20 on this diagram?

21 MEMBER HEDLUND: I have a question,
22 Mr. Chairman.

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1 CHAIRMAN OBERMAN: Go ahead, Karen.

2 MEMBER HEDLUND: It would appear that the
3 freight lead would not only benefit Amtrak, but
4 would also benefit other freight traffic that is
5 being held when this long train is being serviced
6 for whatever is being done to it; is that correct?

7 THE WITNESS: So that's an interesting
8 question. Obviously, to the extent that we are
9 able to make those moves, when they would conflict
10 with a passenger train, there would be a benefit to
11 the freight railroad because we will continue to be
12 able to run our operation as we do today.

13 What I would push back on slightly is the
14 fact that the operation we have today works very
15 well. We are able to make all of the moves we need
16 to make on the back belt with the infrastructure
17 that we have. The benefit that comes from the
18 freight lead extension to the railroads is the
19 ability to just continue to do business because, as
20 I mentioned earlier, in compressing our operating
21 window significantly every day, we're going to have
22 to hold those trains out. And so I suppose you

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1 could see that as a benefit to the railroads, but
2 in reality, all that does is mitigate the impact to
3 the passenger trains. We're not going to --

4 MEMBER HEDLUND: Okay.

5 THE WITNESS: -- operate very differently
6 than we do today. We'll simply have the ability to
7 continue to do that.

8 MEMBER HEDLUND: We've been told in the
9 RTC model it expects a 30 percent increase in
10 growth. I don't know if that's a 30 percent
11 increase in growth on your segment. But assuming
12 additional growth, wouldn't that lead make it --
13 you say you're operating okay today, but if you've
14 got 10 or 20 percent more traffic, aren't you going
15 to need something like that to accommodate the
16 additional growth?

17 THE WITNESS: So the model didn't --
18 didn't show that. And I'll tell you, you know, I
19 had the same skepticism of this particular project,
20 because it's an expensive project. There's no
21 question.

22 So I was on the clean team. I personally

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1 said let's make sure that we need this; let's not
2 recommend something that is, you know, going to be
3 viewed as gold plating or something that's
4 beneficial to the railroads. And so I pointed at
5 that, you know, looked at it very closely.

6 We don't -- the model did not indicate
7 that we need it. And we do project future growth.
8 And, you know, I don't know exactly what the growth
9 percentages were in the model. I'm sure the
10 modeler can talk to you about that. But we have
11 seen growth in this gateway, and as I noted
12 earlier, we've made some significant infrastructure
13 improvements. If you don't mind, I'll point some
14 of those out. We built this Paris Interlocking in
15 the last several years as a collaborative effort
16 with our western carriers to increase fluidity. We
17 signaled the entirety of the back belt. That
18 used to be dark territory, and we installed a
19 signal system over the entirety of it all the way
20 from the Huey P. Long Bridge to the terminal point
21 at Terminal Junction.

22 We installed positive train control on

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1 this entire railroad, and we've made upgrades at
2 the East Bridge Interlocking, you know, all through
3 collaborative effort with our connecting carriers
4 to make sure that we can do our business in the
5 future. So we've made lots of investments here.
6 We'll continue to invest as the freight business
7 requires it.

8 But this freight lead is simply not a
9 project that we foresee needing to do at any point
10 in the future for the business that we project.
11 And the model bore that out when we tested it
12 thoroughly.

13 MEMBER HEDLUND: Can you tell me what the
14 estimated cost is of the freight lead and the time
15 to construct it?

16 THE WITNESS: So the freight lead cost is
17 on the order of 80 to \$90 million. There are five
18 bridges involved. It's a significant track
19 project. So there is -- there's a lot of work
20 there. As far as constructibility and timing, I
21 would say, you know, from the first day that we
22 would put someone to work to design it until it

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1 could be successfully constructed and in service,
2 under normal circumstances, you're somewhere in the
3 neighborhood of 24 to 36 months, because it's a
4 major undertaking.

5 Supply chain challenges, you know, are
6 challenging all of the materials in the railroad
7 industry. We're seeing that. I'm sure you're
8 fully aware of that, ma'am. And so that could
9 challenge the project, but I would tell you my
10 understanding is that Amtrak has to do some fairly
11 significant passenger work, station improvements
12 and things that are going to happen across this
13 line with monies that they're going to expend for
14 their purposes.

15 We could construct all of these things on
16 materially the same timeline that Amtrak can do
17 their work, as I understand it. And so we would be
18 doing -- you know, from whatever point we would
19 know that the service was coming, whatever
20 infrastructure has to be completed could be
21 completed in concert with Amtrak's timeline.

22 MEMBER HEDLUND: Can you again explain to

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1 me why additional track -- I don't know if you said
2 it was 7,000 feet or something like that -- is
3 going to cost \$90 million?

4 THE WITNESS: Well, the five bridges,
5 fairly significant bridges, are a big portion.

6 MEMBER HEDLUND: Where are the bridges?

7 THE WITNESS: So generally, Frenchmen
8 Street, Paris -- those are the names of -- the
9 interlockings are street locations in the city.
10 And the back belt across this entire 3-mile segment
11 is grade-separated from the public roadways. And
12 so the bridges are the major intersections:

13 Elysian Fields Road, Frenchmen Street, Paris --
14 there are several, and there's two other roads that
15 are escaping me, but it's public roadways, and I
16 believe there's one body of water as well, an
17 industrial canal, in this location that has to --

18 MEMBER HEDLUND: Well, that's -- but
19 that's not on the front lead -- freight lead.

20 THE WITNESS: You're correct, ma'am. I'm
21 sorry. There are five bridges, and they are all
22 roadways. If we pull up the aerial, I could

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1 probably zoom in and show you the locations. But
2 the bridges are roadways and I believe one body of
3 water.

4 MEMBER HEDLUND: And they're on the
5 freight lead?

6 THE WITNESS: They are on the freight lead
7 extension, yes, the additional 9,000 --

8 MEMBER HEDLUND: The freight lead
9 extension has five grade -- would have five grade
10 crossings, if you didn't build an overpass?

11 THE WITNESS: The overpasses exist today
12 for the alignment, and so you would have no choice
13 but to build the bridge in order to keep the
14 railroad at the same elevation.

15 MEMBER HEDLUND: Why would you need --
16 okay. I understand that. I'll withdraw the
17 question.

18 CHAIRMAN OBERMAN: Would it -- let me ask
19 this question. If you built a shorter lead than
20 9,000 feet -- in other words, decided you were only
21 going to run 10,000-foot trains -- would you have
22 fewer bridges to build?

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1 THE WITNESS: I can't answer that
2 definitively. My understanding -- in costing
3 this -- and I was part of the team that went out
4 and did the field analysis to look at these
5 locations and make sure that we targeted this
6 infrastructure in the most cost-effective way -- I
7 don't believe a shorter version of this materially
8 changes the cost, but, sir, I can't tell you
9 definitively that it might not cut one bridge off.
10 I just wouldn't know what that would do to the
11 price.

12 I will tell you, from a fluidity
13 standpoint and, you know, the trains that are
14 running today, this would be the optimal
15 construction in order to insure that Amtrak derived
16 all the benefits from the project.

17 MEMBER HEDLUND: Let me ask another
18 question. You said that -- I mean, that gray arrow
19 represents a long train that's stopped. And did
20 you say that, with the freight lead, you would move
21 that long train to the freight lead?

22 THE WITNESS: Yes, ma'am. That is a

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1 10,000-foot train --

2 MEMBER HEDLUND: Right.

3 THE WITNESS: -- and the freight lead
4 would be 12,000 feet of clear space. And so,
5 again, while it's not -- while you couldn't
6 directly drop that arrow on the line, you would be
7 able to do that because that is --

8 MEMBER HEDLUND: Okay.

9 THE WITNESS: -- to depict a 10,000-foot
10 train.

11 MEMBER HEDLUND: Why not instead have
12 Amtrak use the extended freight lead?

13 THE WITNESS: And that's a great question.
14 And in reality, you could provide that flexibility.
15 There is no rule that would say that just because
16 its name is the freight lead -- that's what we call
17 it today -- that would functionally be like a third
18 main line. And so --

19 MEMBER HEDLUND: Okay.

20 THE WITNESS: -- in the --

21 MEMBER HEDLUND: Then let me ask you the
22 next question --

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1 THE WITNESS: Yes.

2 MEMBER HEDLUND: -- and maybe because I
3 haven't seen this in an overhead, the expense of
4 this is building the bridges. Could you build a
5 freight lead at grade when you've got very short
6 Amtrak trains going over there? Is there some
7 reason why you would have to build additional
8 bridges?

9 THE WITNESS: Yes, ma'am. You can't build
10 it at grade simply because the elevation of the
11 railroad -- the entire railroad is elevated
12 throughout this entire corridor. And so you would
13 have such a significant difference in height even
14 from where the existing freight lead terminates,
15 you would -- you know, you would have to tunnel
16 into the ground in order to bring the railroad down
17 to being at grade crossing. The railroad was
18 constructed with these overpasses, and that's
19 really the only way to do it.

20 CHAIRMAN OBERMAN: Are you saying that the
21 freight lead -- I mean, it's separated here,
22 obviously, in just a schematic, but basically would

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1 just be a wider bridge than the two main lines
2 already occupied? Is that the concept here for us
3 to understand?

4 THE WITNESS: That's correct, sir. It
5 would either be, you know, a new span of some kind,
6 and -- likely would be a new span of a bridge. And
7 these tracks would parallel as they do today.

8 CHAIRMAN OBERMAN: To Karen's point, if it
9 were only going to be used to house whatever
10 Amtrak -- 500-foot trains, or whatever they are --
11 it doesn't need to be this long if it was just used
12 for the Amtrak trains to go around it, so you could
13 make it a shorter span.

14 THE WITNESS: Well, sir, it's worth noting
15 the Gulf Coast trains cannot operate on the freight
16 lead. They would be coming from CSX, and so they
17 would not have the optionality. The benefit here
18 would be to the Crescent service, potentially, that
19 exists today; they could use this line as well.

20 But what you're essentially doing is,
21 instead of having this as your staging area for all
22 of the work in and out of Oliver Yard and all of

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1 your road trains, that becomes a clear space for
2 Amtrak to operate and you move that freight service
3 out of their way.

4 So this isn't a case of, you know,
5 creating a route for Amtrak. This is providing the
6 capability for the freight railroads to continue to
7 operate in light of the added passenger service.

8 CHAIRMAN OBERMAN: All right. I thought
9 you --

10 MEMBER HEDLUND: So what you're saying is
11 that from the freight lead, Amtrak could not
12 connect, if it's going north, to either the north
13 main or the south main?

14 THE WITNESS: Absent adding additional
15 infrastructure to this project, which the model did
16 not recommend, and I in good conscience wouldn't
17 recommend that as additional money we would ask the
18 public to bear. It's not necessary under the
19 scenario in RTC. It is certainly something that
20 could be added if that was something Amtrak was
21 interested in doing.

22 CHAIRMAN OBERMAN: Well, couldn't you --

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1 right now, the freight lead is 3,000 feet long,
2 which is plenty long for an Amtrak train. I guess
3 that's where Karen was going. Couldn't you use the
4 existing freight lead to divert the Amtrak trains
5 and then connect them up to the CSX line?

6 THE WITNESS: No, sir, because the freight
7 lead terminates at Frenchmen Street today, and the
8 trains that want to operate to the CSX operate at
9 Elysian Fields. These things -- again, with the
10 drone footage, it will become apparent how close
11 they are, but you're talking less than, you know, a
12 tenth to two-tenths of a mile of clear space.
13 There would be no reason for an Amtrak train to
14 touch the freight lead as it exists today. And
15 there's no connectivity at this end of the railroad
16 today that would allow, say, a Crescent train to
17 get around something.

18 But the real impact is the fact that a
19 train that is working off of number 2 main for
20 whatever purpose -- a recrew, a work event of
21 dropping off/picking up cars, locomotive swap, all
22 of the reasons trains are parked there, including

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1 just staging to be handled onto or off of a
2 main line that might already be occupied -- is
3 going to be blocking this today, and that's what
4 this freight lead mitigates against, is that
5 blockage. You have now taken that train completely
6 out of the mix, and all of your existing
7 infrastructure remains for the passenger service.

8 CHAIRMAN OBERMAN: Let me ask you this
9 question, Mr. Hunt, if I could. Currently the
10 Crescent trains go over this same back belt
11 stretch, correct?

12 THE WITNESS: They do, sir.

13 CHAIRMAN OBERMAN: And you're
14 functioning -- you are functioning okay? You
15 haven't seen the need to build any new
16 infrastructure?

17 THE WITNESS: Well, we built a significant
18 amount of infrastructure. The Paris Interlocking,
19 as I noted, the complete signalization of the back
20 belt --

21 CHAIRMAN OBERMAN: No, but beyond what you
22 now have, if the Gulf Coast disappeared tomorrow,

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1 you're functioning okay with the Crescent; you said
2 you weren't planning any more infrastructure,
3 correct?

4 THE WITNESS: Not for the existing
5 operation, no, sir. We are hunky-dory, as they
6 say.

7 CHAIRMAN OBERMAN: All right. So you've
8 got two one-hour windows there, you told us, where
9 you stop all freight trains so the Crescent can go
10 through.

11 THE WITNESS: Correct.

12 CHAIRMAN OBERMAN: I haven't closely
13 examined the proposed Gulf Coast stock -- you know,
14 train lead times and so forth, but did you consider
15 the idea of putting the Gulf Coast trains in those
16 same one-hour windows? Did you think about that?

17 THE WITNESS: My understanding, sir, is
18 that the schedules that were proposed were proposed
19 by Amtrak. If they would -- and I'll put it to you
20 this way: Under normal circumstances, when we have
21 these collaborative efforts in negotiating for new
22 service to come onto Norfolk Southern lines at

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1 least -- and I'm speaking only for Norfolk
2 Southern. I can't speak for my CSX counterpart --
3 but this very conversation that we're having right
4 now is very similar to the conversation that
5 accompanies the negotiation around an
6 infrastructure package, because once we have an RTC
7 model that's been completed and we have looked at
8 it, vetted it, everybody agrees, we have a suite of
9 infrastructure that the model recommends, the next
10 stage of that is, naturally, negotiation around
11 what are we going to build, what are the
12 operational changes that can be made, you know,
13 what's the next stage here that gets us to getting
14 the service implemented.

15 And so that's what's sort of been lacking
16 in this process, the fact that we're here before
17 the board to make these decisions. We have not had
18 the opportunity to review this infrastructure with
19 Amtrak or to have these discussion around
20 operational changes, but that's the normal way we
21 do this. And if there is a way to mitigate it --

22 CHAIRMAN OBERMAN: I --

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1 THE WITNESS: -- you know, we would.

2 CHAIRMAN OBERMAN: I understand that,
3 Mr. Hunt, but my question is nothing prevented you
4 from sitting at your desk at NS and saying I wonder
5 what would happen if Amtrak put those Gulf Coast
6 lines in that same one-hour window? You were free
7 to consider that, and I'm wondering if you did
8 consider it.

9 THE WITNESS: To my knowledge -- you would
10 have to ask the modeler if anything like that was
11 done. I am not aware of that exercise because the
12 schedules were handed to us.

13 CHAIRMAN OBERMAN: So you didn't think
14 about it; that's all I'm asking.

15 THE WITNESS: Sir, I didn't engage in
16 that --

17 MR. DONAHOE: Note my objection,
18 Mr. Chair. This is going into cross-examination.

19 CHAIRMAN OBERMAN: It's noted, and it's
20 needed for this witness, Mr. Donahoe, so I want to
21 get an answer to my question.

22 Did you -- I take it, Mr. Hunt, that you

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1 personally, which is all I'm asking, did not
2 consider whether that might work, to put the Gulf
3 Coast trains in the same existing one-hour windows.
4 Is that --

5 THE WITNESS: I did not study that, no,
6 sir.

7 CHAIRMAN OBERMAN: I'm sorry, I just lost
8 your audio.

9 THE WITNESS: Can you hear me now, sir?

10 CHAIRMAN OBERMAN: Now I can, yes. What
11 was the answer?

12 THE WITNESS: I did not study that
13 scenario, no, sir.

14 CHAIRMAN OBERMAN: And to your knowledge,
15 did anybody else?

16 THE WITNESS: Not that I'm aware of.

17 CHAIRMAN OBERMAN: All right. And would
18 it not be possible for you to consider that here on
19 the witness stand? I take it you would need to go
20 back to the drawing board to consider that?

21 THE WITNESS: That would absolutely
22 require some additional consideration.

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1 CHAIRMAN OBERMAN: All right. Well, I
2 wouldn't put you to answer the question now, but it
3 seems to me, Mr. Hunt, that this is an -- in lieu
4 of \$90 million of taxpayers' money, the thought
5 process would be worth at least engaging in.
6 You're -- I take it, Mr. Hunt, you are part of the
7 team that wants this board to accept the proposal
8 from CSX and NS about the 14 projects. You're here
9 in support of that, are you not?

10 THE WITNESS: I support the ability for
11 the freight railroads to continue to do our
12 business without unreasonable impairment, yes, sir.

13 CHAIRMAN OBERMAN: Is the answer to my
14 question that you're here urging us to condition
15 any allowing of trains on the building of the 14
16 projects? Is that a fair statement?

17 THE WITNESS: I believe infrastructure
18 should be and must be a part of this if we're not
19 going to meltdown, for lack of a better word, our
20 operations in New Orleans.

21 CHAIRMAN OBERMAN: Yes, but specific to
22 the 14 projects, are you part of the team urging us

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1 to approve it? Can you answer that question?

2 THE WITNESS: Yes, sir, I am.

3 CHAIRMAN OBERMAN: All right. And one of
4 those projects is this \$90 million freight lead?

5 THE WITNESS: The freight lead is part of
6 the infrastructure package we would ask you to
7 consider seriously.

8 CHAIRMAN OBERMAN: Okay. I don't have
9 anything further at this time.

10 Any other board members have any
11 questions?

12 MEMBER PRIMUS: I do.

13 CHAIRMAN OBERMAN: Go ahead, Robert.

14 MEMBER PRIMUS: Mr. Hunt, a couple of
15 things. You alluded to the fact that generally
16 we're sort of out of whack because generally
17 there's an agreement on the RTC before sort of
18 moving ahead. Is that what you sort of alluded to
19 before?

20 THE WITNESS: Well, I think I was speaking
21 to the larger process. We -- you know, I think all
22 of us would agree this is not the way we would like

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1 to do this or we've done it before, but NS has a
2 unique experience with having very successful
3 implementations of service, and the natural
4 end point, after completion of an RTC model, is
5 reviewing the proposed infrastructure and deciding
6 what's appropriate and what we might be able to
7 mitigate with operational changes, so that's
8 certainly part of the exercise.

9 MEMBER PRIMUS: Okay. And would you
10 say -- I know you spoke before early in the
11 questioning about your work on previous projects
12 that involved RTC. Have you faced any project as
13 challenging or where you haven't agreed -- all
14 parties have not agreed on RTC before moving
15 forward?

16 THE WITNESS: I am not aware, and even
17 before my time in this role directly dealing with
18 this -- I mean, we obviously have records that are
19 available for review -- I have not seen where we
20 have ever made a change to a passenger service,
21 commuter service, any type of new introduction or
22 expansion that we didn't use RTC. And I've

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1 never -- I'm not aware of any initiative --

2 MEMBER PRIMUS: I guess I'm just saying
3 where you didn't agree -- where the parties did not
4 agree on the RTC.

5 THE WITNESS: No. All of our -- all of
6 the implementations that have started have worked
7 and we've agreed. I'm not aware of anything.

8 MEMBER PRIMUS: Right. Right. So this
9 is -- this is unusual?

10 THE WITNESS: Very unusual and very
11 unpleasant.

12 MEMBER PRIMUS: I understand both of
13 those.

14 So I wanted to ask also, you -- in your
15 comments before you alluded to sort of the fluidity
16 of this area of the network, that, you know, if
17 things are held or -- if something goes wrong, it
18 could be held all the way back to Houston, and
19 you -- so you cited that example. How many times
20 has that happened, or does that frequently happen?
21 I mean, I --

22 THE WITNESS: It does not. And so that's

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1 an extreme example, but I'll draw you to a specific
2 geographic period where -- you know, maybe even the
3 board might have heard rumblings of these types of
4 things, because there are, no doubt, service
5 challenges in the industry. The pandemic was part
6 of it, but the return of business and the, you
7 know, auto business coming back to life, lots of
8 things have led to congestion at various points
9 around the freight system.

10 At this time right now, New Orleans is
11 running great. You know, it has its challenges,
12 episodic events, but there is no major systemic
13 issue that we feel we need to fix and nothing that
14 we see on the horizon that we think needs fixing.
15 New Orleans is running well.

16 Some number of months ago, you know, at
17 the end of last year, we had a slightly different
18 situation for a short period of time, and we did
19 have some congestion in this gateway, largely
20 driven by crew availability and other tissues. We
21 worked very quickly to mitigate those impacts to
22 get the gateway back to normal, you know, but we

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1 did see trains that were backed up to Houston and
2 we saw trains that were in Atlanta and places
3 holding to traverse this territory. So that's a
4 rarity. That doesn't happen very often, and it
5 certainly doesn't happen absent, you know, what I
6 would call these sort of unprecedented economic
7 conditions that are driving some of this, but we've
8 seen it, and I believe, with my knowledge in having
9 worked in this gateway and been directly
10 responsible for operations here for some number
11 of years, that we are going to see the same type of
12 thing. I mean, it's going to be -- and that would
13 happen on a permanent basis.

14 If we introduce passenger service into
15 this gateway without taking into account what is
16 going to happen and what we know from history, you
17 are going to see a mass exodus of traffic from this
18 gateway that's going to impact shippers, it's going
19 to impact, you know, the overall cost of freight
20 service, and it's certainly going to upend our
21 ability to do our business the way we do today.
22 It's just a reality.

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1 MEMBER PRIMUS: Did you see an exodus in
2 shipping during what you say is the meltdown?

3 THE WITNESS: Well, I did not call that
4 the meltdown. I referred to the meltdown as what
5 we will see if we introduce this passenger
6 service --

7 MEMBER PRIMUS: Well, you alluded to, you
8 know, service -- you know, where you're backing up
9 to Houston. Did you see an exodus of shippers
10 leaving this area because of that?

11 THE WITNESS: Well, I'm proud that our
12 industry responds very quickly in times of crisis.
13 We have gotten very good at tuning our resources
14 and making operational changes as quickly as
15 possible.

16 MEMBER PRIMUS: Right, but I just --

17 THE WITNESS: No, we did not see a mass
18 exodus of traffic. We pivoted to fix the problem
19 and got back on to schedule as quickly as possible.

20 MEMBER PRIMUS: That's the answer I was
21 looking for. Okay.

22 THE WITNESS: Sorry. I apologize.

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1 MEMBER PRIMUS: So no one left the
2 network. And so during that time that you had that
3 degradation of service, did you implement any
4 infrastructure improvements to help mitigate any of
5 that degradation, that backup to Houston?

6 THE WITNESS: So that's a good kind of
7 foil against what we're talking about here. The
8 problem that we saw several months ago was
9 something that we could identify and we knew what
10 the problem was. And it wasn't infrastructure
11 based, and infrastructure couldn't have been put in
12 place fast enough to correct it. And so we made
13 the other changes that we had control over to fix
14 it, but infrastructure wasn't needed for that.

15 That was -- you know, that was an episodic
16 type of event. In this case, you would be
17 introducing on a permanent basis an impediment that
18 has no operational solution. What you would be
19 saying is, hey, let's put something out there and
20 see what happens. And, you know, my true belief is
21 that it would be, you know, incredibly harmful and
22 it would be instantly harmful.

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1 MEMBER PRIMUS: So the other issue I
2 wanted to raise -- and thank you for that answer --
3 you had said that the trains hold for a time for
4 crews for working in the yard. You also made that
5 indication that if there was a workaround [sic],
6 trains could go around that train that was working
7 and go into the yard without holding either.

8 So, again, sort of piggy-backing on what
9 my colleagues said, there would be -- even though
10 it's not built for that reason, there would be a
11 benefit to Norfolk Southern and others because of
12 those extensions being constructed; is that
13 correct?

14 THE WITNESS: So again, I want to draw the
15 distinction between, you know, what we mean when we
16 say benefit. We --

17 MEMBER PRIMUS: Well, I mean, if you can
18 get another train in the yard that you couldn't get
19 because it had to hold for that train that was
20 getting crews, that's a benefit, because you could
21 have a train moving around it in the yard and
22 working instead of waiting for that train that's

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1 waiting for crews to move. So --

2 THE WITNESS: So I would push back --

3 MEMBER PRIMUS: -- would that be a
4 benefit?

5 THE WITNESS: It wouldn't, and I'll tell
6 you why. We don't need to make that move. Today
7 we have an operational plan that that train would
8 simply hold, and it would hold --

9 MEMBER PRIMUS: Mr. Hunt, I'm not saying
10 it would need to. I'm not saying whether it would
11 need to. But if you could get train in earlier
12 than what you do today, is that a benefit? To be
13 able to wrap around a sitting train, you don't see
14 that as a benefit?

15 THE WITNESS: I see that as a passenger
16 benefit. The benefit there is getting that train
17 that would otherwise be sitting out of the way of
18 Amtrak. And that was the point I was trying to
19 make, is it gives you the flexibility to make sure
20 you're not blocking the route during those six-plus
21 hours that --

22 MEMBER PRIMUS: I -- like I said, I

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1 completely understand that. But I'm --

2 THE WITNESS: I'm content -- I guess I
3 would say I'm content to wait in the alternative,
4 because that's how we operate today, and we're
5 comfortable with that operation, and we've planned
6 around that type of operation. So while there may
7 be some perceived benefit from doing it the other
8 way because of the passenger trains, it's not a
9 benefit that we would otherwise fund or need on our
10 own. It's simply not something we would do.

11 MEMBER PRIMUS: I understood that. That
12 wasn't -- my question was just would you benefit if
13 it was there?

14 THE WITNESS: I suppose we may do things
15 slightly different if something existed, but I'm
16 speculating as to how we would use it other than to
17 clear the way for Amtrak.

18 MEMBER PRIMUS: Okay. Thank you.

19 CHAIRMAN OBERMAN: Patrick?

20 MEMBER FUCHS: Thank you, Marty.

21 Mr. Hunt, good to see you. I heard you to
22 say that when Norfolk Southern experiences an

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1 influx of new traffic on a line, it looks at all of
2 the operating changes it can make before it decides
3 to spend on infrastructure? Do I have that
4 basically right?

5 THE WITNESS: I think most railroads
6 probably look to do operational things first versus
7 spending money. I think that's fiscally
8 conservative.

9 MEMBER FUCHS: So, you know, I'm wondering
10 if you could kind of clarify the categories of
11 operating changes that go through the railroad's
12 mind as they're exploring those mitigation
13 techniques. You know, I think we've discussed --
14 and, you know, please stop me if any of these
15 aren't the type of changes or categories of things
16 that you all think about, and if you wouldn't mind
17 adding to that so I have a more fulsome
18 understanding of what you're describing.

19 You know, I think routing changes or
20 just -- to the operating plan of existing trains,
21 changes in yard work and location of trains in
22 yards, changes in train length and changes in --

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1 existing train length and changes in existing train
2 timing, are all those sort of categories you have
3 in mind?

4 THE WITNESS: Those are all of the things
5 that we might think about, absolutely.

6 MEMBER FUCHS: Is there something I'm
7 missing?

8 THE WITNESS: No. Generally, you've hit
9 it all. I mean, locations of work events, train
10 length, train plan, timing, those are big things
11 from a service design standpoint that can be
12 tweaked.

13 MEMBER FUCHS: And how many -- as you're
14 looking at operating changes, how typically, in
15 your experience, do you use an RTC model to inform
16 the operating changes? Let's say, for example, in
17 the instance that NS is starting a new priority
18 intermodal service that is going to be adding
19 significant traffic to a line, do you look at the
20 operating changes through an RTC model?

21 THE WITNESS: So less often do we use RTC
22 to study service design changes. More often we

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1 look at RTC to study infrastructure improvements.
2 And RTC -- you know, as has been noted at some
3 length during these last few days, RTC is sort of
4 the gold standard for telling you where it makes
5 sense to do something that costs a lot of money.

6 And so we use that tool to do exactly what
7 you just noted, which is to say, you know, we may
8 have this operational issue. We've run the traps
9 on all of these things that we can consider, like
10 train length and work locations and yard origins,
11 things like that, timing of trains, but now we
12 think maybe we do need a crossover or maybe we need
13 to extend a siding. And so that's where RTC comes
14 in, is you put those things into your model and you
15 overlay -- or, I'm sorry, you put all of your
16 existing operational assumptions and understandings
17 and inputs into the model and then you overlay a
18 proposed capital investment and you say, you know,
19 what does that do to my operation? Is it going to
20 give me the benefit that I perceive or do I need to
21 throw that out and start from scratch with another
22 idea? It's really about vetting something to

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1 insure that you don't spend money in the wrong
2 place. And that's how we approach this.

3 MEMBER FUCHS: That's very clear. And
4 so -- yeah, I guess just one more question for me
5 is, you know, when you were running the traps on
6 the operating changes, can you point out anything
7 that you've contributed or that you're aware that
8 Norfolk Southern has contributed documenting that
9 you all ran the traps on operating changes in the
10 record?

11 THE WITNESS: So as I noted, we -- you
12 know, we didn't really meet that stage. We were
13 handed schedules and we were handed a requirement
14 to introduce a service as the baseline with --

15 MEMBER FUCHS: Right.

16 THE WITNESS: -- no infrastructure. We
17 built the model that way. We assumed that our
18 operations are going to continue and that we are
19 further going to grow in the ways that the model
20 contemplates. And we mitigated for those
21 circumstances. And so now we're at the stage where
22 we otherwise, in a collaborative effort, could have

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1 discussions like that, but --

2 MEMBER FUCHS: Right.

3 THE WITNESS: -- this is not, obviously, a
4 collaborative effort at this point and so we're
5 left with what --

6 MEMBER FUCHS: Well, I want to make sure
7 I'm understanding you, Mr. Hunt. I thought you had
8 said that, in typical scenarios where Norfolk
9 Southern has an influx of traffic, say, priority
10 freight traffic, before you get to the RTC model,
11 you look at all of the operating changes.

12 THE WITNESS: So in a typical -- and I
13 think you posed --

14 MEMBER FUCHS: Right.

15 THE WITNESS: -- the question of a freight
16 scenario, and that's --

17 MEMBER FUCHS: Right.

18 THE WITNESS: -- slightly different than
19 this scenario. We --

20 MEMBER FUCHS: Well, I hear you -- I hear
21 you, but, you know, I'm just trying to -- I'm
22 trying to think about -- is there any -- can you

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1 point me to any evidence in the record that would
2 suggest that before you got to the RTC model in
3 this case, you looked at all of the operating
4 changes? And is that -- I guess, is that in the
5 record? And if you could, could you point me --

6 THE WITNESS: I'm not aware --

7 MEMBER FUCHS: Do you know if somebody
8 else --

9 THE WITNESS: -- of somewhere I could
10 point you, but what I could tell you is, you know,
11 we were on the path with Amtrak initially through
12 the HDR modeling process where we were getting very
13 close to the finish line, and would have gotten
14 into those types of discussions.

15 You can't really look at operational
16 tweaks in a vacuum. I can look at my service all
17 day long and I can say, if you're going to take
18 away six hours of my capacity, how would I try to
19 survive? But that completely ignores what tweaks
20 might be made to the Amtrak schedules. I mean, you
21 can't look at these things in isolation.

22 And so I would say I personally wasn't

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1 involved in operational reviews of changes, but I
2 don't think those types of reviews could have been
3 fully completed or even really completed at all
4 absent Amtrak as a participant, and we never got
5 there.

6 MEMBER FUCHS: But you had said -- I just
7 want to be absolutely clear. I thought you had
8 said when it comes to spending Norfolk Southern's
9 money, you look at routing, operating plan, yard
10 work, train length, and train timing first. You
11 run those traps first. Isn't that what you said?

12 THE WITNESS: We sure do.

13 MEMBER FUCHS: Okay. I'm good. Thank you
14 so much.

15 CHAIRMAN OBERMAN: Any other board
16 members? Because I have a follow-up, but I defer
17 to any others who have questions.

18 Mr. Hunt, I had a moment to reexamine your
19 verified statement that you filed with Mr. Johnson
20 and, you know, that's been signed by both of you
21 and covers different parts of the proposed route.
22 Would it be fair for me to conclude that the parts

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1 that deal with the back belt were written by you?

2 THE WITNESS: I would say that's probably
3 a fairly good general assumption, but if you wanted
4 to point me to some specific language, I can
5 confirm.

6 CHAIRMAN OBERMAN: That's why I asked. I
7 wanted to point you to the language.

8 THE WITNESS: If I may, sir, I have a
9 copy. That's the only thing I have on the desk.
10 May I --

11 CHAIRMAN OBERMAN: Please do.

12 THE WITNESS: -- look at my copy to follow
13 along?

14 CHAIRMAN OBERMAN: I'm on page 9.

15 THE WITNESS: Okay, sir.

16 CHAIRMAN OBERMAN: The paragraph that
17 begins "To help mitigate the adverse impacts on the
18 New Orleans terminal area," so forth and so on,
19 that paragraph, I take it, would be one that you
20 wrote?

21 THE WITNESS: I believe, yes, sir, I was
22 involved in drafting that.

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1 CHAIRMAN OBERMAN: Here's the thing I
2 wanted to ask you about, just in light of the
3 discussion we've been having here, with me and the
4 other board members. Around the middle of the
5 paragraph you say the extended freight lead would
6 be beneficial to passenger trains through the
7 elimination of certain conflicts with freight
8 trains on NSR trackage, but also to the freight
9 trains of the carriers that operate across NSR
10 trackage in New Orleans.

11 You then say the project, estimated to
12 cost on the order of 80 million, was not ultimately
13 recommended for funding due to the high cost and
14 the direct benefits to freight service.

15 You then go on to say, however, it should
16 be strongly considered.

17 So in your verified statement you say this
18 project was not ultimately recommended, but yet it
19 ended up in the RTC report. How did that happen?

20 MR. DONAHOE: Note my objection to the
21 cross-examination by the Chair.

22 CHAIRMAN OBERMAN: Well, note the fact

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1 that this is examination. You can characterize it
2 any way you want to, Mr. Donahoe. We're going to
3 get to the bottom of whether and how the taxpayers
4 should fund these projects. That is part of our
5 public responsibility, and I intend to get the
6 facts, Mr. Donahoe, so --

7 MR. DONAHOE: I would like a ruling on my
8 objection.

9 CHAIRMAN OBERMAN: It's noted.

10 MR. DONAHOE: And while we're on this, I
11 have an issue that the Chair is ruling on
12 objections that are directly related to him and
13 questions he is asking.

14 CHAIRMAN OBERMAN: The board stands ready
15 to overrule or vote on any of the objections you
16 made, and I invite them to do so now if they choose
17 to.

18 Hearing none, Mr. Hunt.

19 Could I ask the court reporter to read the
20 question back?

21 THE WITNESS: I remember the question,
22 sir.

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1 CHAIRMAN OBERMAN: All right. Please
2 answer it, then.

3 THE WITNESS: So the questions of benefits
4 to freight service -- so when we initially looked
5 at the freight lead extension -- and again, I was
6 on the clean team; I think I noted that earlier,
7 and this is a project that I was highly skeptical
8 of because of the cost and -- you know, it
9 is -- there is a little bit of sticker shock when
10 you see that number. It only became apparent after
11 several iterations of modeling that this was
12 something that was absolutely necessary.

13 And the reason it was characterized this
14 way initially as something that wasn't ultimately
15 recommended is we looked at the benefits to Norfolk
16 Southern in particular, because it's our railroad,
17 and there was a slight benefit to our railroad in
18 the model. And slight -- I don't have the exact
19 numbers. You would have to ask the modelers that.
20 They can get into that with you. But there was a
21 benefit to us.

22 There was also, however, a significant

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1 detriment to our connecting carriers. And so
2 the -- don't hold me to the exact number, but it
3 was in the order of something like 35 percent
4 increase in delays to traffic absent the freight
5 lead extension. And so we were initially looking
6 at this analysis from the standpoint of Norfolk
7 Southern and CSX. And I will admit I had somewhat
8 of tunnel vision in looking at it that way, and I
9 said, okay, we do have some negligible increase in
10 freight benefit, and so maybe this isn't the
11 project to make part of this deal.

12 But upon further consideration and work
13 with the clean team and thinking about my
14 connecting partners, that 35 percent detriment to
15 the foreign or connecting carrier railroads, that's
16 not just detriment to them; that's detriment to my
17 business as well. If my business to Norfolk
18 Southern and to CSX is going to experience a nearly
19 40 percent increase in delay, that has a direct
20 impact on me.

21 And so you can look at the numbers and say
22 that there might be some slight freight benefit

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1 that, you know, might cast this out, but that
2 freight lead extension is the only project that
3 mitigates against the significant and severe
4 impairment of the connections with the western
5 carriers.

6 And that's what New Orleans is all about.
7 It's just about bridging the gap between east and
8 west and allowing traffic to move. And so if we
9 don't build the freight lead extension, we have
10 resigned ourselves to the fact that that traffic is
11 not going to move efficiently in the future.

12 And so I understand what the verified
13 statement says, and I stand by the words in the
14 context that I wrote them, but, you know, upon
15 further consideration, and I think a little more
16 context around, you know, how that project is
17 viewed now and what the model actually showed upon
18 further modeling -- and it was addressed in the
19 rebuttal report -- you know, the world looks a
20 little differently, and this freight lead extension
21 is a very compelling project to protect both Amtrak
22 and the freight business as it exists today and in

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1 the future.

2 CHAIRMAN OBERMAN: Well, just so I can
3 understand because, you know, we have a record here
4 that has been filed and we're reading and you want
5 us to rely on it, you didn't -- you said you stand
6 by the words in your verified statement. You
7 didn't say the benefits to freight service were
8 slight. You just said direct benefits to freight
9 service.

10 THE WITNESS: I did say that, sir, without
11 a noted percentage or impact.

12 CHAIRMAN OBERMAN: And this was submitted
13 in November of last year, correct?

14 THE WITNESS: I will take you at your word
15 that that's the date, yes, sir.

16 CHAIRMAN OBERMAN: I think it came in on
17 the November 3rd filing. Counsel can correct me if
18 that's not the right date. But you've been working
19 on this project since Amtrak filed its case a year
20 ago. Did you not?

21 THE WITNESS: The RTC modeling did not
22 commence that early. Maybe a year ago. I couldn't

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1 tell you the exact time, sir.

2 CHAIRMAN OBERMAN: Well, whenever the RTC
3 modeling began is when you began your more focused
4 work on this matter.

5 THE WITNESS: I got involved heavily as a
6 part of the clean team. I was not involved in the
7 initial stages, but as you've heard, the clean
8 team, you know, got very involved, and that's when
9 I stepped into in process.

10 CHAIRMAN OBERMAN: It was some period of
11 time prior to your filing your verified statements,
12 some months you were working on it before you wrote
13 this statement. Would that be --

14 THE WITNESS: I honestly don't recall the
15 exact timing, sir, but I'll concede there might
16 have been some time that passed.

17 CHAIRMAN OBERMAN: Well, you didn't want
18 to -- I just -- I guess what I'm trying to
19 understand is you filed this statement. You wanted
20 us to rely on it. You told us in that statement
21 that the 80 million was not ultimately recommended.
22 And then later you changed your mind. Is that a

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1 way to understand how you're testifying today?

2 THE WITNESS: I would tell you that I --
3 at the time that I filed this statement, I was not
4 aware of the significant impairment to the western
5 carriers in the way that I became aware. And I
6 became a very strong advocate for the freight lead
7 extension after we did the modeling that included
8 it and showed that we could protect the interests
9 of our western partners and our own business as it
10 comes to and from them with this project.

11 And so my skepticism of the project and
12 concern about the cost and direct benefits was
13 quickly replaced by seeing that this was not simply
14 benefiting the railroads. This is maintaining
15 status quo. And so that's the change of heart I've
16 had, yes, sir.

17 CHAIRMAN OBERMAN: Well, Mr. Hunt, all I
18 would say is I have to take into account your
19 lengthy and extensive experience, which is
20 impressive, and your ability and your job when I
21 try to assess your failure to take into account the
22 western railroads at the time you filed a sworn

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1 statement with this board. It seems a little bit
2 of an anomaly here that this would --

3 MR. DONAHOE: Objection to the commentary
4 by the board.

5 CHAIRMAN OBERMAN: I want to give him a
6 chance to comment on it, Mr. Donahoe.

7 MR. DONAHOE: I have an objection
8 standing.

9 CHAIRMAN OBERMAN: It's noted.

10 Do you want to comment on that, Mr. Hunt?

11 THE WITNESS: Can you -- I'm not sure I
12 caught the --

13 CHAIRMAN OBERMAN: The question is -- I
14 guess it just strikes me as a concern that somehow
15 your heavy involvement with this railroad, with
16 this main center of rail traffic, as you've pointed
17 it out many times, and we're all aware of it, all
18 the class is come together -- and somehow you went
19 to the trouble of providing a sworn statement to
20 this board and hadn't thought through the impact on
21 the western railroads until afterwards, after you
22 had been working on this. It just --

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1 MR. DONAHOE: Objection to the
2 cross-examination of my witness.

3 CHAIRMAN OBERMAN: It strikes me as an
4 anomaly, Mr. Hunt. If you would like to comment of
5 it.

6 Your objection is noted, Mr. Donahoe.

7 THE WITNESS: I would, sir, and I think my
8 response would be the modeling that has changed my
9 mind on this was not completed when I filed this
10 verified statement. There was a rebuttal RTC
11 report that was offered where additional modeling
12 was completed, and you would have to speak to the
13 modelers about what was done differently. But I
14 can tell you definitively that the freight lead
15 extension was modeled in the second round, you
16 know, that was presented in RTC rebuttal report in
17 a way that I had not previously seen. And so when
18 I saw that and the results of the project, yes, I
19 changed my mind because I had new information.

20 So I recognize where you're coming from,
21 sir. I will tell you my -- I am very committed --
22 I'm a taxpayer myself. I'm sure most of us are, if

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1 not all of us. I don't want my dollars to go to
2 any project that doesn't make sense. And with
3 information that I had at my disposal when we first
4 reviewed this, I was skeptical of the project and I
5 personally said I'm not sure that's one we ought to
6 recommend.

7 But when I saw the additional modeling, I
8 have made peace with that, and not only have I made
9 peace with it, I now fully support the project as
10 the right thing to do for the freight industry and
11 the passenger service, because to not do this
12 project, among other projects that are also
13 necessary, you're going to doom this passenger
14 service to failure at this end of the railroad and
15 you are certainly going to drastically impact the
16 customers that rely on this gateway. It's just a
17 fact.

18 And so I understand -- I hear what you're
19 saying, sir, and I would agree with you that there
20 is some reason to question that, but I had
21 incomplete information, and the subsequent modeling
22 that we did to address these very concerns, I put

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1 my heart at ease about this project.

2 CHAIRMAN OBERMAN: Well, I would say,
3 Mr. Hunt, it's very beneficial to this board for
4 you to be as forthcoming as you have been, at least
5 from your point of view, as to how your views
6 evolved, and I appreciate your answer. Thank you.

7 THE WITNESS: Thank you, sir.

8 MEMBER PRIMUS: Mr. Hunt, if I can, I do
9 want to follow up on that because I think -- it
10 seemed like there was a point of contention when I
11 asked you was there a benefit? You seemed hesitant
12 about asking [sic] that. And, you know, the
13 Chairman just said, you know, your sworn statement
14 that you acknowledge that there was even when you
15 weren't going to recommend that. And I think --
16 for me, I wasn't trying to play a "gotcha." I just
17 wanted to see whether or not you saw that as a
18 benefit.

19 And clearly your statements said that, and
20 I just want to make sure and be clear that you see
21 that there is a benefit to Norfolk Southern through
22 this project, not just from the passenger -- from

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1 Amtrak's side, but from the Norfolk Southern side.

2 Is that --

3 THE WITNESS: I want to make sure that I'm
4 perfectly clear about this perceived benefit. And
5 I hope I --

6 MEMBER PRIMUS: Well, not perceived. You,
7 in your statement, said that there was a benefit.
8 You said that you may not agree with it, but you
9 said there was one. Now, again --

10 THE WITNESS: There was a benefit at the
11 time prior to the initial modeling -- I'm sorry.
12 Prior to the secondary modeling that became part of
13 the RTC rebuttal report, there was a benefit that I
14 was not comfortable with, as I just stated.

15 After taking into account the larger suite
16 of detriment -- the 35-plus percent detriment to
17 our connecting carriers and then modeling this in a
18 way that showed us that that was an offset to that
19 detriment, I no longer see this as highly
20 beneficial to the railroads. I don't have the same
21 concerns that I had, and I don't call this a
22 railroad-beneficial project. But for the passenger

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1 service, I would still say this is absolutely not
2 something that Norfolk Southern should do now or in
3 the future.

4 MEMBER PRIMUS: For the record, I didn't
5 say it was highly beneficial --

6 THE WITNESS: I can agree that it provides
7 some level -- I apologize, sir. I interrupted you.
8 Please continue.

9 MEMBER PRIMUS: No. No. Go ahead.

10 THE WITNESS: I'll just say I -- we can
11 quibble about degrees of benefit. My feeling
12 stands that this is not a project of any material
13 benefit to the railroads. That's probably the best
14 way to say it. Any benefit that I see being
15 derived from this is not a benefit that we would
16 ever pursue on our own.

17 MEMBER PRIMUS: And forgive me for not
18 knowing, but since you did change your mind, did
19 you file a rebuttal to your initial statement
20 saying that you changed your mind and that your
21 sworn statement was not correct?

22 MR. DONAHOE: Objection.

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1 Cross-examination by the board.

2 THE WITNESS: I'm not aware of a new --

3 CHAIRMAN OBERMAN: Objection is noted.

4 I'm sorry. Go ahead and answer.

5 THE WITNESS: I'm not aware if I've
6 subsequently filed something. I don't recall
7 having filed an additional addendum to this.

8 MEMBER PRIMUS: And, Counsel, I just want
9 to make sure that -- if you said that he changed
10 his mind, I just want to make sure that that -- it
11 was there for the record, that we acknowledge that
12 he changed his mind.

13 MR. DONAHOE: I understand.

14 THE WITNESS: Well, I do note -- I do note
15 in this initial verified statement the importance
16 of the project. So my mind hasn't changed on that.
17 I just feel much more strongly having had the
18 benefit of additional study.

19 MEMBER PRIMUS: And I understand that. My
20 question is based partially on the record that said
21 that there was a benefit; so thank you.

22 CHAIRMAN OBERMAN: Any other board

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1 questions for Mr. Hunt before Mr. Donahoe resumes?

2 VICE CHAIR SCHULTZ: Yes, I do.

3 Mr. Hunt, you mentioned that if the
4 freight lead --

5 CHAIRMAN OBERMAN: I'm sorry. Michelle.
6 I couldn't see -- go ahead.

7 VICE CHAIR SCHULTZ: You mentioned that if
8 the freight lead is not constructed that there
9 would be an impact to NS customers. I wondered if
10 you could speak to what that impact might be and
11 what NS would be willing to do in order to mitigate
12 those results.

13 THE WITNESS: So I'm not sure what we're
14 empowered to do. Our customers are simply, you
15 know, going to be impacted. What the impacts are
16 going to be is significant and severe congestion in
17 this gateway. You are going to have six-plus hours
18 of the day where this shuts down where you don't
19 have that situation existing today.

20 And this is a gateway -- as I noted, it's
21 busy. You know, I call it the Chicago of the
22 south. All of your railroads are moving traffic to

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1 and from each other here, and they have to move
2 that traffic or it has to stop and back up
3 somewhere. And so you're going to see traffic that
4 ripples out from this gateway across the various
5 carriers' networks in different ways. You're going
6 to have customers that are going to see, in my
7 view, intolerable delay to shipments as those
8 ripple effects are realized. And, ultimately,
9 customers are going to have to make decisions like,
10 you know, do I continue to try to ship with the
11 railroad or do I truck something? Or, do I put it
12 over Memphis as opposed to New Orleans? All kinds
13 of considerations and, you know, predicaments that
14 customers are going to be forced into that they
15 don't have to even consider today.

16 And so there's not much Norfolk Southern
17 can do if this service is introduced without any
18 infrastructure. We are stuck with the situation.
19 I don't think the customers would find that very
20 fair, and I don't view that as very fair. I think
21 we ought to do this in a reasoned way that protects
22 the interests of the passengers and the interests

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1 of the freight customers.

2 CHAIRMAN OBERMAN: I seem to have been
3 frozen up here. Can you hear me?

4 MR. DONAHOE: Yes.

5 CHAIRMAN OBERMAN: Okay. So, Michelle,
6 were you finished?

7 VICE CHAIR SCHULTZ: I was. Thank you.

8 CHAIRMAN OBERMAN: Any other questions?

9 Mr. Donahoe, you may proceed.

10 MR. DONAHOE: Sure. I think this might be
11 a good time to take a break. We're going to go
12 into some drone footage, so I think this might be
13 good timing, if it's acceptable with the board.

14 CHAIRMAN OBERMAN: Mr. Donahoe, let me ask
15 you this question. Do you anticipate having to go
16 into a confidential breakout with this witness?

17 MR. DONAHOE: I do not.

18 CHAIRMAN OBERMAN: All right. Because
19 that would speed things up. Subject to board
20 questioning which, of course, you can't anticipate
21 nor can I, what's your estimation of the timing of
22 your remaining direct examination?

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1 MR. DONAHOE: 20 minutes. Let me just
2 explain, Chair. We have two drone footages that
3 were not made as exhibits, but they were turned
4 over to Amtrak. And, frankly, based on some of the
5 questions yesterday, Mr. Hunt pulled these up. As
6 I said, they have been turned over. We think it
7 explains better answering the questions some of the
8 board has.

9 And then there's two other drone videos
10 which might not be necessary, frankly, that were
11 made joint exhibits. So the first two drone videos
12 are maybe two minutes and a minute or so. They're
13 very short. I think it's beneficial because they
14 show the lines without any freight cars on it. So
15 they're kind of naked pictures. I think the board
16 will get a good understanding of exactly what we're
17 talking about.

18 CHAIRMAN OBERMAN: Well, I'm wondering --
19 so just to be clear, are these drones ones that
20 were made after my request at the prehearing
21 conference?

22 MR. DONAHOE: Yes, sir.

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1 CHAIRMAN OBERMAN: All of them, whether
2 you mark them or not?

3 MR. DONAHOE: Yes, sir.

4 CHAIRMAN OBERMAN: All right. And Amtrak
5 has all of it?

6 MR. DONAHOE: Yes, sir.

7 CHAIRMAN OBERMAN: I'm wondering, would it
8 be better to finish the direct examination and then
9 break if it's only 20 minutes, or is there
10 something --

11 MR. DONAHOE: That's fine. I'll do
12 whatever the board wants.

13 CHAIRMAN OBERMAN: Whichever is your
14 preference, Mr. Donahoe. It doesn't make much
15 difference to us. What's most efficient? Do you
16 prefer to break now?

17 MR. DONAHOE: I actually do.

18 CHAIRMAN OBERMAN: All right. Then --

19 MR. DONAHOE: Thank you.

20 CHAIRMAN OBERMAN: -- we'll accommodate
21 that. It's 11:18. Why don't we reconvene at
22 11:30?

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1 (Whereupon, a recess was taken at
2 11:18 a.m. until 11:34 a.m. and then the
3 proceedings continued as follows:)

4 CHAIRMAN OBERMAN: We are resuming.
5 Mr. Hunt, do you understand you remain sworn?

6 THE WITNESS: Yes, sir, I do.

7 CHAIRMAN OBERMAN: All right.

8 Mr. Donahoe, proceed.

9 MR. DONAHOE: Thank you, Chair.

10 BY MR. DONAHOE:

11 Q. Mr. Hunt, I don't think it's been made
12 clear yet about the freight lead extension. If, in
13 fact, that is put in place, does that eliminate any
14 other proposed projects by Norfolk Southern?

15 A. It does not.

16 Q. Is the -- just to follow up -- one more
17 question before we get to the drone footage. So
18 initially you didn't propose the freight lead
19 extension but considered it; is that fair?

20 A. That's fair.

21 Q. Then, from what I heard from your
22 testimony, based on receiving additional facts,

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1 seeing how the model ran, taking in more
2 information, then you came to the conclusion that
3 it was necessary?

4 A. Yes, sir.

5 Q. And is it your understanding that that was
6 included in Norfolk Southern's rebuttal that was
7 filed?

8 A. It was.

9 MR. DONAHOE: I would like to pull up a
10 drone footage, and I think will help explain
11 exactly the areas we are talking about. So if we
12 can pull up the first one.

13 And we will subsequently mark this as
14 Norfolk/CSX Joint Exhibit 307.

15 BY MR. DONAHOE:

16 Q. Can you tell the board what we're seeing
17 here?

18 CHAIRMAN OBERMAN: Before you put it up,
19 Mr. Donahoe, any objections from the Port or
20 Amtrak?

21 MS. AMUNSON: As long as it's offered for
22 the same reason, just as a visual aid, we have no

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1 objection.

2 MR. DONAHOE: It will be, Chair.

3 MR. MULLINS: The Port has no objection.

4 CHAIRMAN OBERMAN: All right. Then
5 proceed, Mr. Donahoe.

6 (CSX/NS Exhibit 307 marked for
7 identification was introduced.)

8 MR. DONAHOE: Thank you.

9 BY MR. DONAHOE:

10 Q. Mr. Hunt, could you tell the board what
11 we're seeing here?

12 A. Sure. Before the video begins, just to
13 set the stage, I mentioned that the Terminal
14 Junction is the point of the first infrastructure
15 project, if you're working from east to west. It
16 is also the location where the freight lead
17 extension originates. And so this is Terminal
18 Junction. This is the -- you know, essentially the
19 end of the back belt at the eastern-most terminus.

20 You know, as you're looking at the screen,
21 you're facing a westward direction. To your left
22 would be the entrance to Oliver Yard. And that

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1 track, you know, off the screen to the left goes
2 into Oliver Yard. The track that you are sitting
3 on now looking is the track that would continue to
4 the north and operate onto the line north of New
5 Orleans and onto Norfolk Southern --

6 MR. DONAHOE: Why don't we do this real
7 quick, if we can. Can you put up a stick 1,
8 please, that's been previously admitted. And maybe
9 it will -- we've kind of gone away from it. Maybe
10 it will be easier to understand the area that we're
11 talking about.

12 THE WITNESS: Okay. So at this time, if
13 the location -- the video begins essentially in
14 this location, is the viewpoint that you have. You
15 are on what will become main track number 1 at the
16 Terminal Junction sign, beginning of the
17 interlocking, and we will operate from east to west
18 along the line, observing the infrastructure that I
19 will point out if --

20 BY MR. DONAHOE:

21 Q. Now, if we can go to the --

22 CHAIRMAN OBERMAN: Mr. Hunt, before we

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1 leave this drawing --

2 THE WITNESS: Yes, sir.

3 CHAIRMAN OBERMAN: -- where your cursor
4 is -- and there is a little line that goes down to
5 the freight lead, I guess.

6 THE WITNESS: This line?

7 CHAIRMAN OBERMAN: No, no. Just above
8 that.

9 THE WITNESS: This line?

10 CHAIRMAN OBERMAN: Is that the other track
11 we saw in the photo?

12 THE WITNESS: That is the beginning of
13 main track number 2, sir. So --

14 CHAIRMAN OBERMAN: That's not the
15 track --

16 THE WITNESS: Coming from the north, you
17 split into -- there's a single lead to get to
18 either of the main lines. So I'll denote that
19 point on the drone footage.

20 CHAIRMAN OBERMAN: All right. But in the
21 photo -- we saw a track off to the left side of the
22 photo just now.

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1 THE WITNESS: That would have been this
2 track, sir (indicating).

3 CHAIRMAN OBERMAN: I see. Okay. And we
4 are west of the bridge?

5 THE WITNESS: We are here, and the track
6 to the left is here --

7 CHAIRMAN OBERMAN: Right. And where is
8 the bridge that we saw yesterday, the main bridge
9 over the CSX track?

10 THE WITNESS: That would be off the
11 screen. If you --

12 CHAIRMAN OBERMAN: Okay. Where --

13 THE WITNESS: -- follow the two CSXT, sir,
14 it's that direction.

15 CHAIRMAN OBERMAN: Got it.

16 THE WITNESS: And for reference, I will
17 tell you the distance from Elysian Fields from this
18 point of the connection to that bridge --

19 CHAIRMAN OBERMAN: Yep.

20 THE WITNESS: -- is roughly 12,000 feet.

21 CHAIRMAN OBERMAN: Okay.

22 THE WITNESS: So when you have a long

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1 train, for example -- and, you know, I wasn't going
2 to note this, but I will, since you asked, that
3 bridge can come into play for trains traversing the
4 CSX leaving the back belt as well.

5 CHAIRMAN OBERMAN: Very helpful. Thank
6 you.

7 THE WITNESS: Yes, sir.

8 CHAIRMAN OBERMAN: All right, Mr. Donahoe.
9 Go ahead.

10 MR. DONAHOE: Thank you.

11 BY MR. DONAHOE:

12 Q. Okay. Can you kind of explain to the
13 board what we're seeing here?

14 A. Yes. So you are sitting at the home
15 signals for Terminal Junction. As I noted, you're
16 on that track that would go to the north. This is
17 the track that Chairman Oberman noted goes into the
18 yard off to the left.

19 And if we start the animation, I'll sort
20 of speak to what you are seeing. And I am happy to
21 stop at any point if somebody would like me to stop
22 this. But you are observing the same vantage point

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1 of any train that might operate onto the back belt.
2 And so, as you operate in a westbound direction,
3 you're going to see three tracks geographically.
4 From right to left, main number 1, main number 2,
5 and at this location, this is the beginning of the
6 freight lead as it exists today.

7 And so throughout all of these videos,
8 main number 1 will be the track that the video
9 is -- the video's vantage point. Main number 2 is
10 the track that is primarily used to come from the
11 west to the east. And this freight lead is the
12 track that could ultimately be extended to give a
13 third option to keep track number 2 open for
14 Amtrak.

15 And so the first infrastructure project
16 that is going to come into view would be the
17 connection of main number 1 to main number 2.
18 There is not a connection today, as you can see, so
19 there is no operation from main 1 into Oliver Yard.
20 It's an impossible move today. You must use main
21 track 2. That is the first proposed crossover at
22 Terminal Junction that would be built in this

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1 vicinity.

2 CHAIRMAN OBERMAN: Mr. Hunt, on
3 Mr. Niemeyer's verified statement, is that called
4 Elysian Field crossovers?

5 THE WITNESS: No, sir. That's Terminal
6 Junction.

7 CHAIRMAN OBERMAN: Oh, Terminal Junction.
8 I see. Okay. Got it. Two new crossovers; this is
9 one of them.

10 THE WITNESS: The one that is not pictured
11 would be new construction, and that would be from
12 number 1 main to number 2.

13 CHAIRMAN OBERMAN: And it would be right
14 around here someplace?

15 THE WITNESS: Right in this vicinity.
16 Almost exactly where my cursor is positioned right
17 now, it would be a crossover in this direction that
18 would allow operation of the yard.

19 CHAIRMAN OBERMAN: Got it.

20 THE WITNESS: The second improvement at
21 Terminal Junction, the other crossover, is the one
22 that you see here. It exists today. However, it

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1 is a hand-operated crossover. It would be powered
2 for dispatcher-controlled operation from the
3 freight lead to the main line.

4 BY MR. DONAHOE:

5 Q. Randy, what's the benefit of powering it
6 as opposed to handheld -- hand-operated?

7 A. So a hand-operated crossover in this
8 context, if you're going to extend the freight lead
9 and start to use that for the purposes of making
10 all of these different types of moves we've talked
11 about, including operating north as a main line
12 movement after a recrew or an engine swap, that's
13 not practical if that's a hand-operated crossover
14 because an employee must get off the locomotive,
15 wait for the entire train to traverse, reline the
16 crossover to its proper position, which is
17 obviously lined for main line operation under
18 normal circumstances, and then that employee would
19 have to walk or be taxied back to the head end of
20 the train.

21 So as the freight lead extension is
22 conceived, that is inefficient and it would cause

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1 delay if that were a hand-operated crossover.

2 CHAIRMAN OBERMAN: Mr. Hunt, the track is
3 already there. Generally speaking, are you able to
4 say what is the cost of powering up a hand-powered
5 switch?

6 THE WITNESS: Sir, I would have to point
7 you to Mr. Niemeyer's report, but, you know, it's
8 likely that there may have to be some track
9 rehabilitation as well. That is a very
10 infrequently-used crossover. I'm not sure that it
11 doesn't contemplate complete replacement of that
12 track. But it is an existing footprint. And so
13 the work presumably is less from a design
14 standpoint. It is -- you know, and cheaper, but I
15 would have to refer you to Niemeyer's report.

16 CHAIRMAN OBERMAN: But just looking at
17 this picture, there are crossovers like that all
18 over the country I'm familiar with. There's
19 nothing special about this location to power up a
20 crossover, right, other than whatever the condition
21 the track is in?

22 THE WITNESS: There is not, except that

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1 this is not an interlocked location today, because
2 it's hand-operated and it is outside of this home
3 signal that you see. The home signal would have to
4 move to incorporate that. And so there is some
5 signal work associated with that but it's --
6 there's nothing special about this location.

7 CHAIRMAN OBERMAN: Got it. Okay. That's
8 very helpful. Thank you.

9 THE WITNESS: And as you can see, I mean,
10 as an example, at the bottom left of your screen,
11 that is a powered --

12 CHAIRMAN OBERMAN: Right.

13 THE WITNESS: -- switch machine, so it
14 would be essentially installing that at the
15 location farther up the track.

16 CHAIRMAN OBERMAN: Just in the interest of
17 full disclosure, I had the honor of actually
18 hand-flipping a switch last year, so I know what's
19 involved.

20 THE WITNESS: There you go.

21 BY MR. DONAHOE:

22 Q. Continue, Randy.

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1 A. All right. And I believe -- if you want
2 to advance, please skip ahead to sort of where we
3 were.

4 Okay. So that's the conclusion of the
5 first video. That is a view of Terminal Junction
6 and the associated improvements. And I, again,
7 would ask you to note the location of the beginning
8 of the freight lead as it exists today.

9 Q. And, Randy, just pause for a second.

10 A. Sure.

11 MR. DONAHOE: So we will supplement our
12 exhibit list and make this Joint CSX/NS
13 Exhibit 308.

14 (CSX/NS Exhibit 308 marked for
15 identification was introduced.)

16 MEMBER PRIMUS: Before you go forward,
17 Counsel, can you -- the chart that had that, what
18 we were looking at before, where is that located on
19 our --

20 MR. DONAHOE: Sure. You mean the stick?

21 MEMBER PRIMUS: Yeah. So I can -- I want
22 to follow that along as you do the --

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1 MR. DONAHOE: Sure.

2 THE WITNESS: Why don't we start -- if
3 you're okay, may we use the improved version for
4 purposes of this?

5 MR. DONAHOE: That had both of them?

6 THE WITNESS: With both.

7 MR. DONAHOE: If the board is fine with
8 this -- Robert, actually, we were going to have
9 both of them on the screen at the same time. I was
10 worried it was confusing, but we can do that, if
11 that's helpful.

12 THE WITNESS: Well, I was just going to
13 say, the other schematic that shows the
14 improvements might help.

15 CHAIRMAN OBERMAN: That's better. Thank
16 you.

17 THE WITNESS: Member Primus, if I can
18 answer your question, geographically, the view that
19 you just saw was this location right here. I
20 pointed out the location where the new crossover
21 would be constructed. That's this line depicted in
22 the red dashed. And the location where the

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1 crossover is existing and needs to be powered is
2 this particular location here.

3 MEMBER PRIMUS: Okay.

4 THE WITNESS: If that's helpful.

5 MEMBER PRIMUS: It is. Thank you.

6 BY MR. DONAHOE:

7 Q. So if I may, why don't you point out where
8 the next project is going to be before you put the
9 drone up. Okay?

10 A. Absolutely. So advancing farther to the
11 west, we -- the next view -- we will now have moved
12 along the track and we will be approaching Elysian
13 Fields. Elysian Fields, as I noted earlier, is the
14 location where the CSX tracks intersect with the
15 Norfolk Southern back belt line. That is the end
16 of CSX's line coming from Mobile.

17 And so that is the point where all trains
18 to and from CSX, including the proposed Gulf Coast
19 service, would enter and exit Norfolk Southern's
20 back belt in this general location, and I'll point
21 out some key features as we approach it.

22 Q. Would you like the drone now?

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1 A. Please.

2 Q. Okay. Thank you.

3 A. Okay. And you'll have to bear with the --
4 the video is a little light until we get under this
5 bridge and then it becomes more visible.

6 CHAIRMAN OBERMAN: Mr. Hunt, the third
7 track to the left is the existing freight lead?

8 THE WITNESS: That is the existing freight
9 lead. And so we are within that footprint of
10 roughly 3,000 to 3,500 feet. You'll note the
11 Elysian Fields sign.

12 As we move to the west, the freight lead
13 is here. Main track number 2, main track number 1,
14 and the CSX north and south main coming into view
15 from the right of the screen.

16 BY MR. DONAHOE:

17 Q. Mr. Hunt, if I can interrupt you
18 briefly -- if we can pause it.

19 A. Sure.

20 THE WITNESS: Can you please pause here?

21 BY MR. DONAHOE:

22 Q. I know this issue arose yesterday, but if

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1 Norfolk Southern wanted to extend that freight
2 lead, is it on their property or do they have to
3 buy property or lease property? How is it set up?

4 A. It would largely be on our property. If
5 you note sort of the distance between these tracks,
6 the freight lead would continue at a similar -- on
7 a similar alignment paralleling, the existing main
8 lines, for the period -- or the additional
9 construction. And so most of that would be on our
10 right-of-way. I can't say 100 percent --

11 Q. Okay.

12 A. -- but we expect that most of it would be
13 on Norfolk Southern's property.

14 Q. Continue, please.

15 A. Okay. So if you will remain paused, I
16 would like to point out a key feature here at
17 Elysian Fields. This is the second location where
18 infrastructure has been proposed. And I call your
19 attention specifically to the very middle of the
20 screen.

21 You will see this track -- the farthest
22 track to the right is the northbound main for CSX.

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1 The second track from the right is the southbound
2 main. The southbound main does not permit movement
3 to number 1 Norfolk Southern main. This is not a
4 turnout. It is a -- what we call a movable point
5 frog or a diamond that some folks may be familiar
6 with. And so the only move that can be made here
7 is from the southbound main to the number 2 Norfolk
8 Southern main.

9 This project would slightly shift the
10 southbound main to provide enough room to create a
11 series of crossovers that would allow movement to
12 either track. You'll see that in some more detail
13 as we get closer to the next track. That is the
14 same configuration that would be employed in this
15 track.

16 CHAIRMAN OBERMAN: And why is that
17 important?

18 THE WITNESS: That is important because
19 today, if you have anything that is blocking the
20 number 2 main, which we have on a regular basis --
21 if we can flip back to the schematic momentarily,
22 the hypothetical 10,000-foot train that is sitting

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1 here sits on top of number 2 main. And so there is
2 no movement that is available from or to the south
3 main anytime there is a train that is blocking that
4 Elysian Fields location on the number 2 main.

5 And because that is so close -- it's less
6 than 5,000 feet -- it's, in fact, less than 3,000
7 feet from Terminal Junction -- essentially every
8 single movement that operates on number 2 main is
9 going to be blocking that location at all times
10 that it's doing its work. And so that gives you
11 the flexibility to move and utilize your southbound
12 main from the number 1 Norfolk Southern main, if
13 that's clear.

14 CHAIRMAN OBERMAN: Wouldn't it be
15 beneficial even without Amtrak trains, more Amtrak
16 trains? Does it have the flexibility?

17 THE WITNESS: So the flexibility, I would
18 say, is unnecessary without the Amtrak trains. The
19 thing that we face when the Amtrak trains are
20 introduced is that you -- the other scenario I
21 mentioned is that we often do see some delay. This
22 NO and NE tower, location called NE tower, there

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1 are trains that will be operating from Norfolk
2 Southern to CSX -- and it may not be a Norfolk
3 Southern train, but something from the west across
4 Norfolk Southern -- and we have a train that is
5 staged on main number 2, and that train will have
6 to utilize the north main to get to CSX and will be
7 delayed for whatever reason. It could be the
8 bridge is open, for example. And so the bridge is
9 open and now you have the north main that is
10 blocked. You have the inability to use the south
11 main 2 -- number 2 track, and so you've essentially
12 shut CSX down under that circumstance.

13 Now you have an Amtrak, or two or three or
14 six a day, however many Amtraks need to operate.
15 Under that scenario, that Amtrak would hold
16 indefinitely. Under the improved infrastructure
17 scenario, Amtrak can make the move from the south
18 main to number 1 and continue on its path to the
19 station. And so they don't incur the excessive
20 delays.

21 Today's operations, from a freight
22 standpoint, that doesn't create the same kind of

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1 challenge. It's not something that necessarily
2 creates any freight benefit, but it certainly has
3 an enormous detriment to the passenger service
4 under that exact scenario that develops.

5 CHAIRMAN OBERMAN: Well, I guess I'm a
6 little confused because I thought you said today it
7 can stop a CSX train while it has to sit there.

8 THE WITNESS: It can, and our operating
9 plan accommodates that. We have our schedule set
10 and our operation within the gateway set such that
11 we are able to accommodate that.

12 But the tolerances on passenger train
13 operations are different than freight operations.
14 I'm sure anybody that's ever been delayed on a
15 passenger train recognizes that any number of
16 minutes waiting is intolerable just from a personal
17 standpoint. And so we have built into our freight
18 plan the accommodation for those types of events.
19 Passenger trains can't simply accommodate those
20 delays.

21 CHAIRMAN OBERMAN: Well, I guess, you
22 know, trying to reflect on the problems we face

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1 network-wide, and we're now facing, which we're not
2 going to get into in this hearing -- but you're
3 well aware of the issues, particularly involving
4 Norfolk Southern -- it seems to me anything which
5 allows you to decrease existing freight delays,
6 even if you're accounting for them in your current
7 operating plans, would still be better for the
8 freight network, would it not? It's better to have
9 fewer delays than more.

10 THE WITNESS: Well, I suppose, as a
11 general matter, everybody would like to see fewer
12 delays, but as a practical matter, you know,
13 provided that we've created the operating plans and
14 the schedules for our trains and the service design
15 that our customers can rely on, you know, this type
16 of operation is not inefficient. It's a standard
17 freight operation under existing infrastructure
18 conditions and it's an operation that our customers
19 are comfortable with because we accommodate these
20 conditions in our plan.

21 The plan, you know, gets thrown completely
22 out the window when you layer on other types of

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1 impediments without mitigation, and therein lies
2 the problem.

3 CHAIRMAN OBERMAN: Well, I understand.
4 I'm looking at Mr. Niemeyer's verified statement.
5 He accounts for the two crossovers that you have
6 just shown us -- and I recognize they are more
7 complicated because of wanting to allow the
8 crossover to access either track, 1 or 2, for
9 \$9 million for two crossovers. Does that sound
10 right to you?

11 THE WITNESS: I have no reason to doubt
12 that. It sounds relatively -- order of magnitude
13 correct, but, again, I'm not an engineer and I
14 don't have the report in front of me, but it sounds
15 right.

16 CHAIRMAN OBERMAN: Okay. Maybe so. I'm
17 not an engineer either. That's why I asked.
18 Go ahead.

19 THE WITNESS: Okay. If we can flip back
20 to the --

21 BY MR. DONAHOE:

22 Q. Do you want to go back to the drones?

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1 A. Yes, please.

2 Q. Before we get to the -- are we going to
3 the third project?

4 A. We're going to go a little farther than
5 the Elysian Fields view so that they can see the
6 termination of the freight lead extension.

7 Q. Okay. But --

8 A. Or freight lead --

9 Q. -- just while we have the stick picture
10 up, the next drone will cover the St. John's, which
11 is the third crossover project?

12 A. That is correct. The continuation of the
13 drone video that we're watching now will take you
14 to this general vicinity, which is the beginning of
15 the Frenchmen Street Interlocking and the
16 termination of the existing freight lead. And then
17 we will move to a subsequent drone video that will
18 start in that same location and will continue all
19 the way to the St. John improvement.

20 CHAIRMAN OBERMAN: And will we be able to
21 see, Mr. Hunt, the need for the bridges and so
22 forth where that red dotted line is as we go down

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1 the track?

2 THE WITNESS: So we did not look at every
3 bridge because this is, you know, almost -- almost
4 12,000 feet of distance, and so we cut somewhat
5 from point to point along the way to hit the major
6 points of infrastructure, but I will certainly
7 point out the bridges that are visible, if there
8 are some.

9 CHAIRMAN OBERMAN: That would be very
10 helpful. Thank you.

11 THE WITNESS: Absolutely.

12 MR. DONAHOE: Can you pull up the drone,
13 please?

14 THE WITNESS: Go back one more. Go here
15 and advance it into the interlocking, if you can,
16 sir. Right there is perfect.

17 And so you are now over the Elysian Fields
18 Interlocking. And the crossover that exists from
19 northbound main to main track number 1 is now
20 visible, and you can see the difference between the
21 two that accommodates the crossover move. This is
22 the arrangement that would be installed on the

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1 adjacent track to allow movement to and from both.

2 As we continue to fly along the tracks
3 here --

4 CHAIRMAN OBERMAN: Does this crossover
5 need work, too?

6 THE WITNESS: No, sir. That crossover
7 would remain unchanged. It's in perfectly
8 serviceable condition.

9 CHAIRMAN OBERMAN: Got it.

10 THE WITNESS: As we curve around under
11 this overpass, as we approach the bridge, the
12 freight lead extension continues to be the far left
13 track in the view. We're now operating under the
14 bridge. And the view will clear as we come out.

15 If I could ask you to please pause here.

16 What you see in this view -- we're
17 approaching, as I said, the Frenchmen Street
18 Interlocking. You see the freight lead, and it
19 terminates at the point of my dot directly inside
20 the interlocking. So this is the end of the
21 freight lead as it exists today. And this, again,
22 is roughly 3,000 feet of clear space for the

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1 movement of traffic.

2 And from this point forward I would ask
3 you to note to the left of your screen the location
4 that the freight lead would be extended. And at
5 the end of the next video I'll ultimately tell you
6 where that freight lead would terminate in that
7 view.

8 CHAIRMAN OBERMAN: This may be a picky
9 question but just more for the record, I think,
10 than anything else. You've been referring to this,
11 Mr. Donahoe, as a drone film. It looks to me like
12 a film taken from a locomotive. But --

13 THE WITNESS: No, sir. This is drone
14 footage. We --

15 CHAIRMAN OBERMAN: Okay.

16 THE WITNESS: You will see us attain some
17 altitude shortly here.

18 BY MR. DONAHOE:

19 Q. The drone went under the bridge?

20 A. The drone went under the bridge.

21 Q. Okay. I was wondering the same thing.

22 A. We --

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1 CHAIRMAN OBERMAN: It's a low-flying
2 drone. I mean, I've been in a locomotive, and this
3 is what it looks like, so that's why I asked.

4 THE WITNESS: Well, we wanted to give you
5 the view of what you would see on the ground,
6 because we don't have a wide swath to see. But
7 we'll get some altitude momentarily.

8 CHAIRMAN OBERMAN: That will be
9 extraordinarily helpful. I just think the record
10 should be clear of how the video was made. So
11 thank you.

12 THE WITNESS: Drone video entirely, yes,
13 sir.

14 CHAIRMAN OBERMAN: Okay.

15 THE WITNESS: If you'll skip to the next
16 video, please.

17 Okay. So this is -- now we are inside of
18 the Frenchmen Street Interlocking. You will note
19 that there is no longer a freight lead extension --
20 or freight lead, rather. I apologize. The freight
21 lead has terminated inside this interlocking and we
22 are now operating on main track number 1,

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1 continuing in a westbound direction, and the
2 freight lead would continue to follow on this
3 adjacent alignment.

4 CHAIRMAN OBERMAN: What is that on the
5 left? Some kind of a canal?

6 THE WITNESS: That is a canal, yes, sir.

7 CHAIRMAN OBERMAN: Is there room to build
8 the freight lead between the track and the canal so
9 you don't have to fill that in or worry about it?

10 THE WITNESS: Yes, sir. That is a Corps
11 of Engineers canal that cannot be filled in, and we
12 do believe there is sufficient room there to build
13 a track.

14 CHAIRMAN OBERMAN: All right.

15 THE WITNESS: If you'd start the video,
16 please.

17 So this is -- while we are operating
18 westbound, I'll note this train that you're about
19 to see -- this was an interchange train that was
20 operating to the Norfolk Southern on this
21 particular day. And this is not an uncommon view.
22 This train is staged awaiting an opportunity to

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1 work at Oliver Yard. And so this location at
2 Frenchmen Street is one place, just like Terminal
3 Junction, where a train might hold for some period
4 of time to make that move.

5 And so as we fly along, you will see
6 subsequent cuts to later points in the video, as we
7 get to other pieces of infrastructure. The cars
8 that you see will be a continuation of this same
9 train that is stopped.

10 BY MR. DONAHOE:

11 Q. So let me interrupt, Mr. Hunt. So if the
12 freight lead extension was built, that train could
13 go over that freight lead extension?

14 A. It would be -- under the scenario we are
15 discussing, that train would be on the freight lead
16 extension, yes. And so we'll --

17 CHAIRMAN OBERMAN: Do you know how long
18 this train is we happen to be looking at?

19 THE WITNESS: So this train was -- I did
20 look, and I want to say it was roughly 7,500 feet.
21 I don't have the exact footage written down. It
22 was not a 10,000-foot train. You'll see where the

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1 rear end of the train is ultimately parked is near
2 St. John's. But it is -- this was not a
3 12,000-foot train in this scenario.

4 CHAIRMAN OBERMAN: All right.

5 THE WITNESS: But it is a train that would
6 have been on the freight lead extension.

7 MEMBER HEDLUND: Counsel, going back to
8 the canal, that's a Corps of Engineers canal.
9 Would you need a permit from the Corps of Engineers
10 to build the extension of the freight lead?

11 THE WITNESS: Well, I'm not sure I can
12 answer that. I would suspect that's likely. I
13 also would say -- you know, obviously, with any
14 federally funded -- presumably federally funded
15 project, there's also environmental analyses and
16 other things that come into play, but that's
17 somewhat beyond my expertise.

18 But, you know, this is not unlike any
19 other public/private partnership project that we
20 might engage in. If these projects are ultimately
21 funded, we have a robust department that deals with
22 these types of things all the time.

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1 MEMBER HEDLUND: No, no, I understand
2 that. I just -- you know, a lot of railroad
3 improvements can be just done under C just because
4 they just affect existing infrastructure within a
5 right-of-way, but now that you're up against a
6 Corps project, it does occur to me that this would
7 implicate NEPA.

8 THE WITNESS: And I can't say one way or
9 the other if that would, in fact, be implicated.
10 I'm not sure, ma'am.

11 MEMBER HEDLUND: Yeah.

12 THE WITNESS: Okay. And we're going to
13 cut ahead now to a later point. And it may be
14 helpful, when the next view comes up, if we could
15 pause momentarily. Okay. Can we back up slightly?
16 Pause. There we go.

17 Okay. So this is the Paris Interlocking.
18 And I have noted Paris a number of times on the
19 schematic. This is a location that we installed
20 several years ago as a crossover. It was a
21 railroad-funded infrastructure project that has
22 benefit for Amtrak as well as the freight users as

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1 a location where trains can get from one track to
2 another around a train that might be stopped at
3 Terminal Junction.

4 In this case, because of the length of the
5 train, Paris is blocked. And this is one of the
6 reasons that St. John's is an improvement that's
7 important to the passenger business.

8 And if we can continue the video, we will
9 fly here over the interlocking.

10 This is your confirmation that it's a
11 drone video, Chairman Oberman.

12 CHAIRMAN OBERMAN: Yes, thank you.

13 THE WITNESS: You can clearly see, you
14 know, the track is blocked by a stopped train. And
15 if we can jump ahead slightly.

16 CHAIRMAN OBERMAN: And there's nothing in
17 the program here to change this interlocking, this
18 crossover, right?

19 THE WITNESS: No, sir. This crossover
20 remains highly functional. The next improvement is
21 the St. John's crossover. That provides similar
22 flexibility at a further point along the route.

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1 CHAIRMAN OBERMAN: All right.

2 THE WITNESS: So stop here, please -- we
3 just missed it.

4 One of the bridges that we have
5 discussed -- and if you can -- I don't know how
6 quickly you can advance --

7 MR. DONAHOE: Just wait a second. He'll
8 find it.

9 THE WITNESS: Let it run for a minute.
10 So coming into view at the top of your
11 screen -- pause, please.

12 CHAIRMAN OBERMAN: Yep.

13 THE WITNESS: This is a good example of
14 one of the bridges, Chairman Oberman. If you can
15 see just beyond the signal mast, the public
16 roadway --

17 CHAIRMAN OBERMAN: Yep.

18 THE WITNESS: This is a bridge the freight
19 lead extension would traverse on a new span. And
20 so while the video is not ideal, this is an example
21 of one of those public roadways that the freight
22 lead extension would have to cross.

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1 CHAIRMAN OBERMAN: And are you saying
2 there are five such places on this line?

3 THE WITNESS: There are five locations,
4 four of which, I believe -- if memory serves me,
5 four are roadways and there is one small body of
6 water.

7 CHAIRMAN OBERMAN: All right.

8 THE WITNESS: Okay. Continue.

9 The next view that we're going to see
10 momentarily is the rear of that same train. And as
11 we continue, the freight lead extension would still
12 be operating or running adjacent to the track on
13 the left. And you're approaching what is known as
14 Bayou St. John. Bayou St. John is the body of
15 water that is directly below the overpass that you
16 see coming into the middle of the screen. And
17 Bayou St. John is the location where we would note
18 the St. John's crossover should be installed. And
19 you would see -- it's pretty wide open. We have
20 tangent track. We have got good availability of
21 infrastructure on both -- or land, rather, on both
22 sides.

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1 This is where the freight lead extension
2 would terminate and this is where the St. John's
3 crossovers would be installed. And --

4 CHAIRMAN OBERMAN: So if you build a
5 freight lead to this point, it's a total of 12,000
6 feet?

7 THE WITNESS: That's correct, sir. So you
8 would see how the track, even in the scenario we
9 just saw with a shorter train, that train could
10 have entered this track and been completely off of
11 the main line. Similarly, a long 12,000-foot train
12 could enter the freight lead extension and be
13 completely off of the main line.

14 BY MR. DONAHOE:

15 Q. Mr. Hunt, before we get to St. John's, if
16 the freight lead extension is built, is the
17 St. John's crossover still required?

18 A. It is a project that still has compelling
19 value, but it is certainly a project that you could
20 reconsider, you know, whether it would be necessary
21 to be installed. It is -- the freight lead
22 extension gives you the flexibility to get those

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1 trains completely out of the way, and so the
2 conflicts that might necessitate St. John's are
3 significantly reduced.

4 I would say, if the freight lead extension
5 were installed, likely one could make a strong
6 argument to pull out the St. John's crossover.

7 CHAIRMAN OBERMAN: I just want to make
8 sure I understand the language here. The
9 St. John's crossover, in Mr. Niemeyer's verified
10 statement, is a crossover between tracks 1 and 2
11 and the freight lead. Is that what it would do?

12 THE WITNESS: It is a universal crossover,
13 yes, sir, to go in any direction. The reason that
14 need is somewhat obviated is that crossover is
15 largely being installed because there are lots
16 of -- not lots of, but there are a number of
17 scenarios where Paris, the interlocking that you
18 just saw blocked by the train in the drone video --
19 that crossover is blocked with some regularity.
20 And so to the extent that you have to continue to
21 block that crossover with trains on the main line,
22 St. John's is a necessary crossover.

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1 When you have the flexibility to move
2 those trains onto the freight lead extension and
3 completely off of the main, you don't have the same
4 operational challenge that you see today with
5 trains blocking Paris.

6 CHAIRMAN OBERMAN: So the -- just to make
7 sure I understand, so the connection between the
8 main number 2 and the freight lead is accounted for
9 in the cost of the freight lead; the St. John's
10 crossover project is not needed to get trains onto
11 the freight lead; is that correct?

12 THE WITNESS: That is generally correct.
13 Yes, sir.

14 CHAIRMAN OBERMAN: Because that's
15 \$5 million in Mr. Niemeyer's statement, but you're
16 saying it may not be essential?

17 THE WITNESS: That's correct, sir.

18 CHAIRMAN OBERMAN: Okay.

19 THE WITNESS: It's -- with the caveat that
20 it is essential, but if the freight lead extension
21 is funded and installed, then the St. John's
22 crossover becomes much less of a priority.

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1 CHAIRMAN OBERMAN: Well, that's an
2 interesting question. If you install the
3 St. John's crossover and don't build the freight
4 lead, does that alleviate some of the problem?

5 THE WITNESS: Very little of the problem.
6 The freight lead extension is far and away the most
7 important improvement in this entire gateway and,
8 arguably, along the entire corridor.

9 CHAIRMAN OBERMAN: Okay. I understand
10 your position on it, anyway. So go ahead.

11 THE WITNESS: Okay. So that is
12 sufficient -- the remainder of this video is just
13 closely approaching St. John's Bayou, but I
14 think -- unless the members have questions about
15 this video, that's it.

16 MR. DONAHOE: If we can pause here, Chair,
17 if anyone has questions, before I move into a
18 different area.

19 CHAIRMAN OBERMAN: One more question.
20 We've now covered the entire 9,000 feet of the new
21 freight lead, and we saw one bridge and we just
22 skipped over the other four places, correct? But

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1 they're somewhere between where we started and
2 where we just ended.

3 THE WITNESS: And we can certainly -- you
4 know, that was not the intention. Had I known you
5 were --

6 CHAIRMAN OBERMAN: No, no, no. I was
7 not --

8 THE WITNESS: But yes, we did not see all
9 of the bridges.

10 CHAIRMAN OBERMAN: That was not a
11 criticism. I just wanted to make sure we
12 understood what we were looking at. Thank you.

13 THE WITNESS: Yes, sir.

14 So this is the final video, and this sort
15 of draws another distinction about the importance
16 of the freight lead extension. And this -- I would
17 describe this as sort of the operating scenario
18 that we depicted with the long trains in our
19 schematic.

20 If you can run this animation, please.

21 CHAIRMAN OBERMAN: Are we still looking
22 west?

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1 THE WITNESS: You are still currently
2 looking west, and you are positioned at the Elysian
3 Fields Interlocking. So this train that is
4 operating is coming down main track number 2
5 towards Norfolk Southern's yard. And we're going
6 to pan now to the east to follow geographically the
7 direction of movement, and you will see the CSX
8 lines to the left of your screen.

9 CHAIRMAN OBERMAN: Oh, so we're back east
10 of where we just ended up?

11 THE WITNESS: That's correct, sir. So
12 this train is operating east. It is going to the
13 Norfolk Southern yard. We will now brake. That
14 train has now reached Terminal Junction. And you
15 are looking at the train now from the opposite side
16 of the tracks. That is the freight lead that is
17 closest to you in the view. And you're panning now
18 from the east, looking east, and you can see the
19 CSX tracks coming into view to the left of your
20 screen, in that area.

21 CHAIRMAN OBERMAN: Wait a minute. This
22 isn't the same train we were just looking at, is

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1 it? It had locomotives on the other end.

2 THE WITNESS: Yes, sir. We cut the video
3 and it advanced, and the train is now stopped.

4 And I'll ask you to pause momentarily.

5 CHAIRMAN OBERMAN: And the locomotives
6 have left?

7 THE WITNESS: The locomotives are all the
8 way at Terminal Junction, so they have moved
9 another 3,000 feet to the entrance of the yard, and
10 that train is stopped.

11 CHAIRMAN OBERMAN: Got it.

12 THE WITNESS: Okay.

13 BY MR. DONAHOE:

14 Q. Mr. Hunt, is that referred to in the
15 industry as blocked cars when the locomotives leave
16 like that?

17 A. When the locomotives -- so assuming that
18 is the case here, the locomotives have disconnected
19 to go into the yard -- and I believe, in fact,
20 that's what they did do -- they went -- if you
21 noticed, it was not a Norfolk Southern engine on
22 the cars, and so they removed the power. They will

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1 ultimately put Norfolk Southern locomotives onto
2 this train to continue on its journey cars.

3 And so while these cars are sitting here,
4 they are a block of cars; so it's an occupancy that
5 isn't necessarily a train.

6 And I will also point out while this may
7 look like railroad -- if you can see where my
8 cursor -- those are empty flat cars, and so this is
9 a continuous line of cars all the way from Oliver
10 Yard back to our location where we sit right now.
11 I just wanted to point that out.

12 Q. And where does that CSX line go? Where is
13 that heading to?

14 A. This is the terminal point for the line
15 that goes all the way to Mobile. So this -- again,
16 we are looking eastbound, and this is the location
17 where the CSX comes into the NS.

18 In this scenario, as I previously noted,
19 now that you have occupancy on track number 2 --
20 please stop the video -- there is no way to make a
21 move from the southbound main line because you are
22 blocked. And so essentially that southbound

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1 main line is nonfunctional for purposes of moving
2 Amtrak absent the Elysian Fields improvement that
3 we noted previously.

4 CHAIRMAN OBERMAN: And that would allow
5 that southbound main line to go onto track 1, I
6 take it?

7 THE WITNESS: That's correct, sir. And
8 continuous movement directly onto the back belt.

9 If you'll restart the video, please.

10 So this video will cut again to another
11 changed condition. The flat car is coming into
12 view and the train is sitting on number 2 main.

13 So the next thing we see here, while that
14 train was stopped swapping its locomotive power, a
15 train came off of the CSX. And so you have train
16 moving from the northbound main presumably to the
17 Union Pacific, as you see the engines -- and we are
18 still facing eastbound as this train operates onto
19 back belt from CSX.

20 And it will momentarily cut to the next
21 scene.

22 Okay. We have now advanced again to the

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1 head end of the train that you just saw. This
2 train is now sitting just beyond the Paris
3 Interlocking. If you recall the video that we saw
4 a few moments ago, you had train that was sitting
5 at Paris in the opposite -- with the rear end
6 facing the same direction. You now have a train
7 sitting on the adjacent main. And so this train is
8 waiting for a crew. A train is coming off the
9 Huey P. Long Bridge that will pull alongside of
10 this train. The crews will swap locomotives, trade
11 off. This train will continue to the west. The
12 train off the Huey P. Long Bridge will continue to
13 the east.

14 BY MR. DONAHOE:

15 Q. Mr. Hunt, is that unusual for a train
16 waiting on a crew?

17 A. No. This is a perfect depiction of the
18 operating scenario on the back belt. Every train
19 gets a recrew, changes power, does some type of
20 event in order to traverse this railroad.

21 Q. And what's the reason for a change of
22 crew?

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1 A. If would you please pause.

2 And that's because there are operating
3 rights that are different for each railroad.
4 Norfolk Southern and CSX are not able to cross the
5 Huey P. Long Bridge, so it must be a Union Pacific
6 or a BNSF crew that does that. They are the only
7 crews that are allowed to make that move.

8 And so you've got crews that are coming
9 onto the back belt that get an NS or a CSX crew to
10 continue east. Vice versa, you would have a crew
11 that might be operating from the NS or CSX to the
12 west that must stop and wait for one of the western
13 carriers to take possession of the train and
14 continue the journey.

15 CHAIRMAN OBERMAN: Mr. Hunt, can you
16 enlighten us? When you say they're not allowed to
17 cross the bridge, who owns the bridge?

18 THE WITNESS: So the bridge is owned by
19 the New Orleans Public Belt Railroad, and that is,
20 you know, an asset that they have owned since its
21 construction in 1935, to my knowledge. The bridge
22 is actually dispatched at both ends by the Union

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1 Pacific, but it is owned, operated and
2 controlled -- or owned and controlled at least and
3 maintained by the NOPB Shore Line.

4 CHAIRMAN OBERMAN: And when you're saying
5 they're not allowed to cross the bridge, what
6 doesn't allow it?

7 THE WITNESS: So as you well know, sir,
8 you know, track engine operating rights within the
9 board's purview are the only way that one railroad
10 can operate onto the assets of another, and Norfolk
11 Southern and CSX do not have the requisite rights
12 to enter that railroad.

13 CHAIRMAN OBERMAN: Well, let me ask this.
14 Who owns this back belt? Norfolk Southern?

15 THE WITNESS: Norfolk Southern.

16 CHAIRMAN OBERMAN: And the back belt
17 doesn't end at that bridge, does it?

18 THE WITNESS: Yes, sir, it does.

19 CHAIRMAN OBERMAN: Oh.

20 THE WITNESS: That is the dividing line
21 between east and west is the bridge.

22 CHAIRMAN OBERMAN: And west of that bridge

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1 is UP?

2 THE WITNESS: West of that bridge is the
3 Union Pacific and the BNSF on a shared trackage
4 rights corridor.

5 CHAIRMAN OBERMAN: And so when you say
6 you're not allowed to cross, that's because your
7 trackage rights end?

8 THE WITNESS: My railroad ends and I do
9 not have any rights across the bridge.

10 CHAIRMAN OBERMAN: Right. And I take it
11 that UP and BN don't have trackage rights on your
12 segment of the back belt?

13 THE WITNESS: They do, sir. Union
14 Pacific, BNSF, and CSX all have trackage rights and
15 all operate trains across the back belt.

16 CHAIRMAN OBERMAN: Oh. So they don't need
17 to switch crews going east but you need to switch
18 crews going west?

19 THE WITNESS: They do need to switch crews
20 coming east because they will stop, say, at
21 Terminal Junction. You know, that train that you
22 just saw that was operating in the eastbound

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1 direction likely had a Union Pacific or a BNSF
2 crew, stops at Terminal Junction. That is where
3 the Norfolk Southern takes possession of the train
4 to either perform a work event or take the train
5 north into our network.

6 CHAIRMAN OBERMAN: Well, is it -- leaving
7 aside the legalities and whether the board would
8 order the trackage rights, if you didn't have this
9 restriction on the use of each other's tracks and
10 so forth, you could avoid some of these stop trains
11 and crew shifts, I take it?

12 THE WITNESS: Potentially, hypothetically,
13 but that -- you know, there are lots and lots of
14 implications of changing an operation like that.
15 That would --

16 CHAIRMAN OBERMAN: But would it not
17 improve your flexibility on how to use the back
18 belt tracks if you didn't have to make these extra
19 stops?

20 THE WITNESS: Potentially, but that's not
21 a, you know, scenario and world we live in. So we
22 haven't studied the --

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1 CHAIRMAN OBERMAN: I understand it's not
2 what you have now, and whether it can be changed or
3 should be changed I don't know. I'm just trying to
4 understand physically if it would improve the
5 operation if you didn't have to make those crew
6 changes?

7 THE WITNESS: It could, yes, sir.
8 Potentially, it might. I haven't studied it.

9 CHAIRMAN OBERMAN: All right.

10 THE WITNESS: So as we continue -- so
11 we're still now looking to the east. The
12 compelling issue here that I would draw your
13 attention to is, as we pan farther to the east,
14 you'll see the rear end of the train that was
15 stopped at Terminal Junction starting to come into
16 view.

17 And so if you'll pause it, I'll take the
18 pointer.

19 So this is the rear end of the train on
20 the adjacent track. The train that pulled down to
21 Terminal Junction to swap its locomotive power and
22 continue its journey is stopped, blocking main

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1 track number 2. And you have a train that is now
2 stopped blocking main track number 1 waiting on a
3 crew change.

4 And while this is not uncommon -- well, I
5 will say while this is -- you know, seems to be
6 something that is certainly troublesome, it's not
7 something that's uncommon. This is the operating
8 scenario on the Norfolk Southern back belt. 24
9 hours a day you have trains that need to go west to
10 get to the western carriers and 24 hours a day you
11 have trains that need to come east to get to the
12 eastern carriers.

13 And under this scenario, which works very
14 well for us and we've planned around and provided
15 crews for and improved infrastructure to support,
16 this is the scenario. The railroad is blocked for
17 periods of time except when we have to clear it for
18 the Amtrak moves. But under this scenario of
19 improving -- or adding, rather, four additional
20 trains a day, this type of operating scenario is no
21 longer going to work. And so something will have
22 to give. We'll either have to hold these trains

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1 outside of the gateway or we will have to make the
2 most important infrastructure improvement, which is
3 the freight lead extension.

4 The freight lead extension would go
5 several thousand feet beyond the point that you see
6 right now to the west, and that train that is
7 sitting currently on main track number 2 would be
8 sitting on the freight lead extension. And so you
9 would have a route continuously for Amtrak during
10 those additional periods of the day when you have
11 to make those moves.

12 And so this -- to me, this is one of the
13 most compelling views of the operation. We didn't
14 stage this. We picked a random Wednesday when the
15 weather cooperated to make these videos, and we did
16 it in a very short period of time.

17 And so this is just the operational
18 reality of the back belt. Any day that you might
19 visit this location, this is what you're going to
20 see at any given time.

21 And so I wanted to illustrate sort of the
22 gravity of the situation. We can exist this way.

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1 We make it work. Our customers are happy and the
2 gateway remains relatively fluid. But if we don't
3 do something to accommodate the passenger service
4 in light of this operation, the freight service is
5 going to suffer mightily, and it's going to force
6 business out of this gateway and impact customers.

7 CHAIRMAN OBERMAN: But if you could figure
8 out a way to avoid this crew change on this stopped
9 train going west, that train would not be sitting
10 there?

11 THE WITNESS: If there are operational
12 solutions to fix this, we have not identified them
13 yet. This has been -- you know, the rights that
14 exist there have been in place since the early
15 1950s, and we have done lots of different things
16 operationally over the years.

17 I will tell you the railroads are in the
18 efficiency business, particularly now with, you
19 know, people throwing around the PSR terminology.
20 I would argue that we are doing things to the
21 utmost of our abilities, but certainly if there are
22 operational solutions that might make this better,

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1 we would welcome those types of improvements. But
2 the reality is that, you know, we have optimized
3 this gateway in light of the significant
4 infrastructure improvements we've made, and simply
5 making operational changes is not going to be
6 enough.

7 Even if we got -- eked out a slight amount
8 of improved efficiency, that's not going to cover
9 the additional hours of the day when this line
10 would have to be vacant for Amtrak. It's just --
11 it's not possible. No amount of operational tweaks
12 is going to accommodate that.

13 MS. AMUNSON: Mr. Chairman?

14 CHAIRMAN OBERMAN: Yes.

15 MS. AMUNSON: Jessie Amunson for Amtrak.
16 I apologize -- I tried to object earlier, and I
17 don't think you heard, but I just wanted to object
18 to the witness's earlier testimony about this being
19 typical or kind of depicting kind of the regular
20 operations along the corridor. I believe that the
21 stipulation was that all of these would be offered
22 as visual aids for purposes of seeing the

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1 infrastructure along the corridor.

2 CHAIRMAN OBERMAN: Mr. Donahoe, I think
3 she has a good point. I don't fault Mr. Hunt for
4 offering his observations, but I do think, under
5 the stipulation, that part of his testimony should
6 be disregarded.

7 MR. DONAHOE: Fair enough, Chair.

8 CHAIRMAN OBERMAN: Thank you.

9 THE WITNESS: My apologies.

10 CHAIRMAN OBERMAN: No, no.

11 MR. DONAHOE: It's okay.

12 CHAIRMAN OBERMAN: You know, you're trying
13 to tell us a complete picture, so I don't fault you
14 for doing it. But Jessie is absolutely right here
15 about the stipulation, so we will note that part.

16 Okay, so -- I'm sorry, but thank you,
17 Jessie and Mr. Donahoe. Proceed.

18 MS. AMUNSON: Thank you, Mr. Chair.

19 THE WITNESS: And so, for my part of this
20 and the visualization of the line, that's all I had
21 from a drone footage standpoint, unless folks have
22 questions.

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1 MR. DONAHOE: Chair, before I finish up, I
2 just have a couple of questions. But if there's
3 any questions now about the drones, this is
4 probably a good time to address it.

5 CHAIRMAN OBERMAN: All right. Any board
6 member have --

7 MR. DONAHOE: Patrick, do you want to
8 wait? Okay.

9 CHAIRMAN OBERMAN: Okay. Why don't you
10 finish your --

11 MEMBER FUCHS: I'm good. Thank you for
12 asking.

13 MR. DONAHOE: Okay. I thought I saw your
14 hand. That's all. Okay.

15 BY MR. DONAHOE:

16 Q. Just a couple of more questions, Mr. Hunt.
17 There was a reference made by Amtrak's
18 counsel in opening statement, which I believe you
19 heard, that why don't we just get the passenger
20 trains on the line and see what happens? What's
21 your reaction to that?

22 A. Well, I think I've addressed that a number

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1 of times here, and I'll say it again because it
2 bears repeating, that is going to be devastating,
3 and that is the wrong way -- you know, if there is
4 a right way -- we've advocated for RTC; we say
5 that's the right way. Other, you know, intelligent
6 minds can disagree about what's right and wrong.
7 But there's certainly a wrong way to do things.
8 And to introduce this passenger service, that would
9 be incredibly impactful. I don't think anybody
10 would argue that point. You know, four more trains
11 a day where they don't exist today is impactful.
12 There is no question.

13 The gravity of the impact, though, I think
14 is being -- can't be undersold here. We would see
15 this gateway snarled to a halt. Because Norfolk
16 Southern is going to be put in a situation where
17 we're going to have no choice but to put the
18 "closed" sign up four more times a day for an hour.

19 And while this gateway is relatively
20 fluid, it's not a gateway that has infinite
21 capacity and just adding things has no impact.
22 You're going to have an immediate marked impact on

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1 freight service. And it's going to be the type of
2 impact that the customers are going to feel
3 immediately. And it's the type of impact that is
4 going to radiate out into the larger freight
5 network. And it's -- to me, you know, anyone that
6 understands this, including the Amtrak counterparts
7 that you'll hear from later in this proceeding,
8 they understand those impacts.

9 And so to say that we can simply put these
10 trains out there and see what happens, that is a
11 recipe for disaster.

12 Q. And in reality, they could not -- meaning
13 Amtrak -- put their locomotive engineers on the
14 back belt tomorrow. Wouldn't they have to qualify?

15 A. Well, they would have to qualify, yes.
16 Now, they have existing service on the back belt,
17 but if you're speaking of Gulf Coast engineers from
18 CSX --

19 Q. I am.

20 A. -- presumably, they would have to qualify,
21 yes --

22 Q. Okay.

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1 A. -- if they weren't previously qualified.

2 Q. And my last question to you is, in your
3 position as an NRPC officer, what would the future
4 hold on the various freight systems if Amtrak's
5 position is accepted by the board?

6 A. So, you know, my understanding of Amtrak's
7 position is what you just noted: Let's put the
8 trains out there, let's see what happens, there is
9 no need to worry about infrastructure on the front
10 end. And if I'm mischaracterizing, I apologize,
11 but that's my understanding of Amtrak's view,
12 however misguided and however, you know, maybe
13 contrary to what I believe Amtrak's own employees
14 might feel about this.

15 But if you are to introduce this service
16 with no infrastructure on the hope and prayer that
17 it's just going to work, one, that's not going to
18 be the outcome. But two, and more importantly,
19 there's been lots of talk of precedent and, you
20 know, what happens down the road. If you look at
21 the Amtrak Connects Us map that has been published
22 with the ideas about where Amtrak wants to expand

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1 in the future, those expansions -- there are
2 multiple lines on Norfolk Southern, there are
3 multiple lines on lots of carriers in the U.S. that
4 are immediately going to be implicated as -- and I
5 guess the word is targets, for lack of a better
6 word. Because I believe Amtrak's view will be
7 let's start inserting these services into all of
8 these places with the same eye towards, you know,
9 no infrastructure being installed on the front end.

10 And so you're not just going to impact the
11 New Orleans gateway, you're not going to snarl that
12 gateway -- you may snarl it now, but what you're
13 going to do ultimately is you're going to snarl
14 every other location that has Amtrak service that
15 is arbitrarily inserted without any consideration
16 for the impacts.

17 And that's how I view this, is to put this
18 service on the line without consideration of the
19 impacts and without the proper infrastructure to
20 mitigate those impacts is arbitrary and it is going
21 to have a hugely detrimental impact on this service
22 today and a hugely detrimental impact on the larger

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1 freight network in the future, because it's not
2 going to be the last place that arbitrary insertion
3 of passenger service is advanced.

4 MR. DONAHOE: Thank you, Mr. Hunt.

5 Chair, at this time, we would move our
6 exhibits into evidence. And we are willing to
7 withdraw CSX/NS Joint Exhibit 291 and 171, the
8 source of Ms. Amunson's objection.

9 CHAIRMAN OBERMAN: Ms. Amunson, did you --
10 I had something I was going to say about Mr. Hunt's
11 answer but --

12 MEMBER HEDLUND: And I have a comment too.

13 CHAIRMAN OBERMAN: Jessie, did you have
14 something you wanted to say here at the moment?

15 MS. AMUNSON: No, no objection to
16 admitting the exhibits for the purposes that are
17 stipulated.

18 CHAIRMAN OBERMAN: I'm just going to make
19 this observation, Mr. Donahoe. I appreciate
20 Mr. Hunt's attempt to -- effort to be candid with
21 us as to his views, but his long answer rambled
22 somewhere between fact and opinion about this

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1 railroad, which I thought was appropriate, and
2 legal and political speculation, which I think is
3 inappropriate, but I didn't hear any objection, so
4 I will let it stand in the record. We'll take it
5 for what it's worth.

6 MEMBER HEDLUND: Mr. Chairman, I have a
7 question of counsel.

8 CHAIRMAN OBERMAN: Go ahead.

9 MEMBER HEDLUND: I don't know if you
10 were -- in the first part of this hearing on Monday
11 we had a long discussion about whether this is an E
12 case or whether it's an A case, whether we could
13 convert it from an E case to an A case, whether
14 that would be appropriate, and different parties
15 had different views on that.

16 One of the things counsel said -- or
17 Amtrak noted was that if they were permitted to
18 simply come on the line without any additional
19 infrastructure, the railroads -- the host railroad
20 would have a remedy under subsection C, which we
21 have not discussed, which allows a rail carrier to
22 apply to the board for relief if there is -- under

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1 the preference provision, if a commuter -- if the
2 rail passenger transportation would materially
3 lessen the quality of freight transportation
4 provided to shippers and then the board can
5 establish the right of the carrier and Amtrak on
6 reasonable terms.

7 Can I assume, based on what Mr. Hunt said,
8 that if we were to rule for Amtrak and simply allow
9 them onto the line, that you would immediately file
10 a case under subsection C?

11 Maybe you don't want to answer that but --

12 MR. DONAHOE: I'll let Mr. Mullins answer
13 that, if that's okay.

14 MEMBER HEDLUND: Okay.

15 MR. MULLINS: Member Hedlund, obviously
16 it's hard to say what we do at that time. I would
17 obviously say that that would not be something you
18 would want to do in the instance, because you're
19 having service meltdowns, as testified, while a
20 case is proceeding about what infrastructure would
21 occur. And I think if I could go back to the point
22 I had made earlier is that you don't have to --

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1 even if you awarded access, Amtrak still has to
2 build their own infrastructure according to the
3 CRISI grant, and that's going to take two years.

4 So you would not want to grant Amtrak
5 immediate access, have the service meltdown,
6 require us to do a C case when they're building
7 their own, when you can wait until their
8 infrastructure is built and wait until our
9 infrastructure is built, if it's ordered. So you
10 really wouldn't need to do a C case, and I wouldn't
11 recommend that. Obviously, if you did not order
12 [sic] Amtrak immediate access, we could then
13 follow -- file a C case if there was issues.

14 MEMBER HEDLUND: I was just pointing out
15 that you would have -- I mean, maybe in the blink
16 of an eyelash, once we gave permission to Amtrak to
17 start service without any additional
18 infrastructure -- I'm not saying that we're going
19 to do that; I'm just saying theoretically, if we
20 did that; that's what they have asked us to do --
21 could we anticipate that you would immediately file
22 a C case and we would be right back at the table

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1 talking about the same things?

2 MR. MULLINS: Again, hard to speculate,
3 but I could see that happening, yes, exactly, which
4 is we would be right back here arguing over the
5 same thing. They could file an A case. You know,
6 we could convert this to an A case and have those
7 type of issues. So these are our judgments to make
8 in a vacuum.

9 MEMBER HEDLUND: Right. Well, I was just
10 raising the possibility that this would just
11 convert into a C case very quickly. But that's for
12 you all to think about. I don't know what we're
13 going to do.

14 CHAIRMAN OBERMAN: Any other board members
15 at this point?

16 All right. So, Mr. Donahoe, I take it
17 that, with your withdrawal -- and Jessie said
18 there's no objection to the remaining exhibits.

19 Is that correct, Jessie?

20 MS. AMUNSON: Yes, that's correct.

21 CHAIRMAN OBERMAN: They will be admitted.

22 (CSX/NS Exhibits 168, 169, 307, and 308

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1 marked for identification were admitted into
2 evidence.)

3 CHAIRMAN OBERMAN: You are finished with
4 your direct, Mr. Donahoe?

5 MR. DONAHOE: I am.

6 CHAIRMAN OBERMAN: Jessie, what's your
7 anticipated -- if you could give us a ballpark --
8 cross time?

9 MS. AMUNSON: I would say about 45
10 minutes.

11 CHAIRMAN OBERMAN: And the Port -- does
12 the Port have any cross for this witness?

13 MR. WIMBISH: No, sir, we do not.

14 CHAIRMAN OBERMAN: Well, it is exactly
15 12:30. What's the board's pleasure? Should we
16 break? 45 minutes seems a long time to extend
17 until lunch.

18 MEMBER FUCHS: I defer to my colleagues.

19 MEMBER HEDLUND: I would like to break
20 now.

21 CHAIRMAN OBERMAN: All right. Let's do
22 that. We'll come back at 1:00. Remember, we have

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1 a hard stop today at 5:00. So CSX and NS counsel,
2 why don't you, over the lunch break, think about
3 how far we'll get with witnesses and a good
4 breaking point. We really cannot go past 5:00. I
5 don't want to end much before that, though, because
6 we need all the time we can get.

7 So we will break at 12:30, at this point,
8 and we will reconvene at 1:00.

9 Oh. Before we go off the record, I would
10 caution -- no discussion, Mr. Hunt, with counsel.
11 You're still on the witness stand.

12 THE WITNESS: Yes, sir. Understood.
13 Thank you.

14 CHAIRMAN OBERMAN: All right. Thank you.

15 (Luncheon recess was taken at 12:32 p.m.
16 until 1:04 p.m.)

17 CHAIRMAN OBERMAN: Mr. Hunt, you
18 understand you remain sworn?

19 THE WITNESS: Yes, I do, sir.

20 CHAIRMAN OBERMAN: All right, Jessie,
21 proceed.

22 MS. AMUNSON: Mr. Chairman, before I do,

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1 does the Port have any questions for this witness?

2 CHAIRMAN OBERMAN: I think they said they
3 had none.

4 MS. AMUNSON: Apologies. Thank you.

5 CROSS-EXAMINATION

6 BY MS. AMUNSON:

7 Q. Mr. Hunt, you testified about having to
8 shut down the back belt for approximately one hour
9 twice a day for the Crescent service; is that
10 correct?

11 A. Yes, ma'am.

12 Q. And if I could direct you -- I believe you
13 have a copy of your verified statement with you
14 there; is that right?

15 A. I do.

16 Q. And that's joint Exhibit 23A for the
17 record.

18 I would like to direct you to page 8 of
19 your verified statement, and it's about halfway
20 through the second sentence of that middle
21 paragraph you say that for approximately one hour
22 twice per day the back belt is essentially cleared

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1 of all freight traffic to insure on-time operation
2 of the existing Crescent Amtrak service to and from
3 the New Orleans Union Passenger Terminal. Is that
4 correct? Do you see that there?

5 A. I do.

6 Q. And is it true that it takes the Amtrak
7 train approximately eight minutes to traverse the
8 3 miles of NS line?

9 A. I don't know that for sure, but it sounds
10 reasonable.

11 Q. And you say if the Gulf Coast service is
12 allowed, you would have to shut down the line for
13 six hours a day to allow the Gulf Coast service?

14 A. That's correct.

15 Q. And that's for the Amtrak train to travel
16 across the approximately 3 miles at eight minutes
17 per trip; is that right?

18 A. Well, that's not the reason, no, ma'am,
19 why we shut it down for an hour. It's because
20 Amtrak -- because Amtrak has to have a clear route,
21 and so in order for the route to be clear, you have
22 to stop the freight movement in advance. If we

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1 were to, say, advance a train ten minutes before
2 Amtrak arrived, that train that had work to do and
3 potentially needed a crew swap or needed to operate
4 at a slow speed into a yard, that move couldn't
5 possibly be completed. So to cushion the
6 likelihood that there will be some delay to a
7 freight train in any way, an hour is about the
8 minimum we have found will reliably insure that
9 Amtrak has rail.

10 Q. But you also -- I believe you said that
11 you did not model whether the Amtrak train could
12 use the existing hour that you already have the
13 Crescent service built into?

14 A. So it's worth noting in the model we also
15 didn't even model the existing constraint entirely.
16 Because of the unreliability of the southbound
17 Amtrak train, the existing Crescent service, we did
18 not include the one-hour window in the model
19 because we didn't want to artificially place that
20 constraint on a time frame that doesn't necessarily
21 have the Amtrak train in it, and so we allowed the
22 model to run normally without protecting that hour

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1 window on the southbound movement. We did keep
2 that hour in place for the northbound movement
3 because that is a predictably reliable departure
4 time every day. But the model, in fact, gave
5 Amtrak the benefit of lessening the infrastructure
6 constraints by eliminating that second window.

7 We didn't have a window to model in for
8 southbound movements per se and of course the
9 beneficiary of that is the infrastructure
10 recommendation.

11 Q. But this six-hour window that you
12 reference here, that's not based on anything in the
13 model, correct?

14 A. No, ma'am, because the infrastructure
15 package is the solution there, not the artificial
16 institution --

17 Q. Thank you.

18 A. -- of windows.

19 Q. And you said that the reason for the
20 one-hour window is to, quote, ensure the on-time
21 operation of the existing Crescent Amtrak service,
22 correct?

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1 A. Well, to the extent possible. To prevent
2 delay is the better way to say it.

3 Q. And, in fact, the Crescent achieved just
4 57 percent customer on-time performance in 2021; is
5 that correct?

6 A. I wouldn't have that figure in front of
7 me. It sounds reasonable but, again, I don't know.

8 Q. Do you have any reason to believe that's
9 not correct?

10 A. I don't. I'll take you at your word,
11 ma'am, but I don't know for sure.

12 Q. And the reason for that was primarily due
13 to freight train interference; is that correct?

14 A. Again, I have no stats to that effect, but
15 if that's what you're representing is the truth, I
16 will believe you at your word.

17 Q. Do you have any reason to believe that
18 freight train interference is not the primary cause
19 of the 57 percent on-time performance statistic for
20 the existing Amtrak Crescent?

21 A. Ma'am, again, I'll take you at your word
22 if that's what you're telling me. I don't have the

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1 statics in front of me.

2 Q. You don't have any reason to believe that
3 that's not correct?

4 A. I have reason to believe that you would
5 not deceive me on the stand so let's -- maybe we
6 can say it that way.

7 Q. Do you have reason to believe that freight
8 train interference is often a primary cause of poor
9 on-time performance for Amtrak trains?

10 A. I think freight train interference is a
11 primary delay cause, among others.

12 Q. Thank you. And you, of course, as the
13 person who interfaces regularly with Amtrak are
14 aware that Amtrak has a statutory right of
15 preference over freight trains, correct?

16 A. I'm aware of the statute that says they
17 contain Amtrak.

18 Q. And that statute is supposed to help
19 Amtrak achieve on-time performance, correct?

20 A. You know, I don't have the legislative
21 history. I wouldn't opine what I think the intent
22 was. I know what the statute says.

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1 Q. And if freight trains gave Amtrak
2 preference rather than interfering with Amtrak,
3 Amtrak would be able to achieve on-time
4 performance, correct?

5 A. No, ma'am, that's incorrect. That's a
6 gross mischaracterization of the operating
7 scenarios across many services but freight train
8 would reduce delay and that would have a positive
9 impact, yes.

10 Q. Eliminating freight train interference
11 would allow Amtrak to improve its on-time
12 performance, correct?

13 A. Presumably. It would vary by service,
14 delay, you know, magnitude. There's all kinds of
15 things that would factor in, but it could impact
16 performance, yes.

17 Q. Are you saying that eliminating freight
18 train delay that there is a possibility that that
19 would not help Amtrak improve its performance?

20 A. I would -- and this would be speculation,
21 but I would venture a guess that on certain
22 services that have pretty well-aligned, reliable

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1 schedules that don't interact with a lot of freight
2 train interactions, they likely would not benefit
3 from eliminating some small number of delay.

4 Let's take the Northeast corridor, for
5 example. I don't think taking away any FTI delay
6 on those trains, to the extent there is any, would
7 have any material impact on performance. I'm just
8 speaking across the whole universe of Amtrak
9 trains.

10 CHAIRMAN OBERMAN: Mr. Hunt, you are not
11 required to guess. So be specific, if you would,
12 at which part of your answer based on your judgment
13 or experience and which is just a guess so we are
14 clear.

15 THE WITNESS: I would say all of that is
16 based on my experience. I didn't guess there. I
17 just simply clarified my answer, sir.

18 CHAIRMAN OBERMAN: All right.

19 BY MS. AMUNSON:

20 Q. If you'll look at the last sentence of the
21 paragraph that proceeds the paragraph that we just
22 looked at, the sentence that starts with "In

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1 short," you also state at page 8 of your verified
2 statement that there are already, quote, lengthy
3 delays for trains traversing the back belt,
4 correct?

5 MR. DONAHOE: Counsel, I object. When you
6 refer to a document or a paragraph or a sentence,
7 could you please give the witness a minute to find
8 that since you did not pull it up on the screen? I
9 just ask for the courtesy of giving him a minute so
10 he can find it.

11 MS. AMUNSON: Of course. And I apologize.
12 I thought it was up on the screen.

13 BY MS. AMUNSON:

14 Q. Do you see it on the screen, sir?

15 CHAIRMAN OBERMAN: What are we referring
16 to? Jessie, what are we referring to again now?

17 MS. AMUNSON: This is Mr. Hunt's verified
18 statement, which is Joint Exhibit 23A. It's page 8
19 of that statement, which is the same page that we
20 were previously on, and it is the last sentence of
21 the first paragraph.

22 CHAIRMAN OBERMAN: All right.

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1 MS. AMUNSON: It's the sentence that
2 begins "In short."

3 CHAIRMAN OBERMAN: Got it.

4 Are you there, Mr. Hunt?

5 THE WITNESS: I am, and I've read the
6 sentence now. Now it's on the screen, ma'am, for
7 your reference.

8 BY MS. AMUNSON:

9 Q. So you see you --

10 A. Oh, in fact, it's not on the screen. Oh.
11 There it is, yes. Okay. I'm with you. I have the
12 sentence. I'm ready to speak to it.

13 CHAIRMAN OBERMAN: I'm not following you.
14 It's a sentence in which paragraph? "There are
15 multiple potential points of failure," is that the
16 sentence?

17 MS. AMUNSON: Yes, sir.

18 CHAIRMAN OBERMAN: Okay. I'm with you.

19 MS. AMUNSON: Do you all see this on your
20 screen? I see it blown up on my screen so I
21 just --

22 MR. DONAHOE: On our screen it begins with

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1 "Impacts fluidity across the back belt route," and
2 then it has the sentence "In short," all the way to
3 the end the Gulf Coast passenger service.

4 MS. AMUNSON: Yes, that's the sentence.

5 MR. DONOHUE: Okay.

6 BY MS. AMUNSON:

7 Q. So I am saying that in your verified
8 statement you have said that there are already
9 lengthy delays for trains traversing the back belt,
10 correct?

11 A. I did, and I said something similar on
12 direct if, you know, we have multiple handoffs
13 between dispatchers including to and from the
14 Amtrak dispatcher, there are a number of challenges
15 on the back belt that the freight service currently
16 deals with effectively.

17 Q. And we heard from you on direct about the
18 freight train lead that would exacerbate some of
19 those lengthy delays; is that correct?

20 A. That's correct.

21 Q. But I believe we established that that
22 project was not initially recommended by the

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1 initial report in this case; is that right, the
2 initial RTC and Niemeyer report?

3 A. It was included in the Niemeyer report.

4 Q. But it was not one of the 14
5 infrastructure projects that were listed as
6 necessary for Amtrak to start service; is that
7 correct?

8 A. I don't know that that's the correct
9 characterization. Without having that report in
10 front of me, I don't know how the projects were
11 characterized. I think Mr. Niemeyer pointed out
12 the incredible benefit to the passenger service
13 that that project would offer and that's why he
14 included it, is my recollection.

15 Q. But he did not include it in the 14
16 projects that were meant to mitigate the impacts of
17 Amtrak's Gulf Coast service? Let me rephrase that
18 question.

19 It was not included in the \$440 million
20 worth of infrastructure that was recommended,
21 correct?

22 A. Without having the document, I don't --

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1 the numbers I don't know, ma'am, how it was
2 characterized. It was in the report. It was
3 referenced in the verified statement. I spoke at
4 length during direct about the sort of additional
5 modeling that was done after the initial report. I
6 hope that sort of brings it all together, but I'm
7 not sure what you're asking me in terms of the
8 initial report. It was in there.

9 Q. And I'm not trying to ask you a gotcha
10 question here. I'm trying to clarify that, in
11 fact, what -- because that was not included in the
12 \$440 million, in fact, actually, with your
13 testimony today, if I understand it correctly, what
14 CSX and NS are now asking for is approximately
15 \$520 million worth of infrastructure in order to
16 start service; is that correct?

17 A. Again, I don't have the numbers at my
18 fingertips, but I think we have made clear that the
19 project list and the freight lead extension are an
20 infrastructure package that we would advance is the
21 right infrastructure for this service.

22 Q. So the freight train lead is in addition

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1 to the 14 projects that are already in the Niemeyer
2 report, correct?

3 A. That is correct.

4 Q. And you said that this project was
5 identified as part of the rebuttal report modeling;
6 is that right?

7 A. It was included in the initial modeling.
8 We discussed it. We did additional modeling for
9 the rebuttal report and determined that, in fact,
10 that was a project that was absolutely necessary to
11 mitigate the impacts to our connecting carriers.
12 It's the only project, in fact, that has that
13 effect and, otherwise, would have a significant
14 degradation of freight service if it wasn't
15 constructed and passenger trains were introduced.

16 Q. And just to be clear, you're asking for
17 public funding for this project, correct?

18 A. Well, I'm not asking for any funding. I
19 think what we're seeking is confirmation. I'm not
20 sure what the mechanism is, but the acknowledgment
21 that it's a necessary inclusion with this proposed
22 service and that you simply can't ignore the

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1 significant and unreasonable, in my view, impact on
2 freight service from the passenger trains, I'm not
3 sure who pays for it or where the money comes from
4 or how it gets built. That's not my major concern.

5 Q. Thank you, sir. Norfolk Southern does not
6 intend to invest any of its own private money in
7 this project, correct?

8 A. That's correct, ma'am.

9 Q. And that is despite the fact that there
10 are already lengthy delays along the back belt,
11 correct?

12 A. So that's a -- if you'll give me one
13 second, I would like to speak to that because you
14 called out the portion of my statement here
15 regarding the exacerbation of delays, and I think
16 that's an important distinction.

17 It sounds to me, in listening to testimony
18 for the last few days, that there's an expectation
19 that to install this infrastructure somehow
20 increases capacity and makes more room and makes
21 things better. There is -- the RTC model is
22 largely a fluidity model. And so what we're doing

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1 is not making things better. We're not fixing
2 existing problems. We're not Band-Aiding things
3 that exist today. The RTC is simply recommending
4 infrastructure to get us back to a status quo
5 condition.

6 So I want to make sure we're clear, as you
7 and I are talking, that this exacerbation is what
8 is being fixed. The lengthy delays aren't going to
9 change. We didn't introduce some improvement to
10 freight operations. We simply brought ourselves
11 back to status quo. I think that's an important
12 distinction because there seems to be a perception
13 that this model fixes a lot of existing freight
14 problems, and that's certainly not the intent.
15 We're just trying to get back to a baseline where
16 we can run our operations as we do today.

17 Q. And so if I can just ask you a little bit
18 about that, I'm going to ask Mr. Peterson to bring
19 up Joint Exhibit 41B, which is the rebuttal
20 verified statement of Mr. Banks and Mr. Guthrie.
21 It's the rebuttal modeling report that they
22 offered.

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1 CHAIRMAN OBERMAN: What's the number?

2 MS. AMUNSON: It is Joint Exhibit 41B.

3 CHAIRMAN OBERMAN: And is it the verified
4 statement or the actual RTC report?

5 MS. AMUNSON: It's the actual report.

6 CHAIRMAN OBERMAN: Okay. I just want to
7 get my copy out.

8 A. And I have to tell you I don't have this
9 report in front of me, so we're going to have to
10 make sure I can see it because I can't read it on
11 the screen.

12 MR. DONAHOE: I would like to get him a
13 copy of the report, Board, if you can give us like
14 one minute.

15 MS. AMUNSON: Certainly.

16 MR. DONAHOE: Thank you.

17 MS. AMUNSON: And I'll just represent, if
18 it makes things easier to speed things along, I
19 would like to look at pages 38 through 40 of that
20 report, and page 38 should be up on the screen.

21 THE WITNESS: Page 38. I'll be there
22 momentarily. I'm there, ma'am.

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1 BY MS. AMUNSON:

2 Q. So this is the portion of the modeling
3 report that is discussing the freight lead
4 extension, correct?

5 A. I have no idea. Hold on.

6 Q. Please take a moment and familiarize
7 yourself.

8 CHAIRMAN OBERMAN: Can I hear the
9 question, again, Jessie? I'm sorry.

10 MS. AMUNSON: I just asked this is the
11 portion of the report that is referencing the
12 freight lead extension project that the witness was
13 discussing.

14 MR. DONAHOE: Can I first -- my objection
15 is could counsel first lay the foundation that he
16 is familiar with this report? He may be, I don't
17 know, but can we at least establish that?

18 MS. AMUNSON: Certainly I --

19 CHAIRMAN OBERMAN: I'm sorry. Let me
20 speak here, please.

21 MS. AMUNSON: Okay. I apologize.

22 CHAIRMAN OBERMAN: Mr. Donahoe, I thought

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1 she was heading in that direction, so why don't we
2 let her proceed.

3 MR. DONAHOE: Sure.

4 BY MS. AMUNSON:

5 Q. You testified on direct that you are
6 familiar with the rebuttal report, correct?

7 A. I am generally familiar. I did not author
8 this report, though I have reviewed it at some time
9 in the past. I'm generally familiar.

10 Q. And when you said that the rebuttal report
11 is where -- was the basis of your change of heart,
12 I think you said, about recommending the freight
13 lead extension, is this what you were referencing?

14 A. No, ma'am. I was referencing the
15 extensive work of the clean team and my direct
16 involvement in that that led to the rebuttal
17 report, the modeling of the freight lead extension
18 in addition to other things that were modeled.

19 Q. But this is the report that the clean team
20 provided the input in; this is the final product,
21 correct?

22 A. I believe that to be the case. I'm not

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1 100 percent sure if anything supplemental was
2 filed. So if you're telling me this is it, then I
3 guess I will assume you're correct.

4 Q. If we can go to page 39 of that report.

5 A. I'm there.

6 Q. And, actually, I'm going to --
7 unfortunately it's kind of a crossover sentence --
8 from the bottom of page 38 to page 39, is it true
9 that the freight lead extension would actually
10 eliminate the need for the St. John's crossover
11 project?

12 A. I think I noted that in my direct that, in
13 fact, if the freight lead extension is constructed
14 that it's highly likely that the St. John's
15 crossover could be eliminated.

16 Q. Well, thank you. I wanted to clarify
17 that, because I believe you testified first that it
18 was not going to replace prior projects and then
19 later that it was, and so I just wanted to clarify
20 that, in fact, it would eliminate the need for the
21 St. John's crossover?

22 A. I think I sort of framed it as an either

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1 or. If you don't construct the freight lead, then
2 the St. John's crossover is absolutely vital. If
3 you construct the freight lead extension, you
4 largely obviate the need for St. John's.

5 Q. And you said that essentially what the
6 freight lead is meant to do is to get NS back to
7 status quo or get freight operations back to status
8 quo; is that correct?

9 A. It is -- the entire suit of infrastructure
10 package is aimed at that, yes.

11 Q. And I would like to direct your attention
12 to Figure 9 on this page. Does this -- do you see
13 where I am and do you have a moment to review it?

14 A. I'm looking at the figure.

15 Q. Does this show that actually what the
16 freight train lead would do is improve things by
17 28 percent for the freights?

18 A. No, ma'am, that's not what that figure
19 indicates. That is interchange delay to a specific
20 limited subset of freight traffic that is not
21 Norfolk Southern traffic or CSX traffic. That is
22 the interchange delay from foreign carriers. It

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1 shifted from a 34-percent detriment to a positive
2 in 2019. I think that gets significantly -- and
3 here I'm speculating. I'm working off of long
4 memory here. I think that gets significantly
5 slimmer as we get into the out years. But this
6 project, as I noted earlier, is the only project
7 that is able to cope with the significant delays to
8 the interchange traffic from foreign carriers. And
9 so there is a benefit there. That's not the
10 benefit to Norfolk Southern and CSX directly at
11 all.

12 Q. But this is the benefit that you said led
13 you to change your mind about recommending the
14 freight train lead, correct?

15 A. No, ma'am. It's the 33.6 percent
16 detriment and the fact that we are not at
17 33.6 percent impaired. And I say "we" as the
18 freight industry. It's the interchange trains from
19 the western carriers that were suffering this.

20 This sort of is the great example of what
21 I spoke to earlier when I said I was very skeptical
22 of the freight lead, because I hadn't thought about

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1 this in terms of the impact to the UPs and the
2 BNSFs and CNs. I was looking simply at Norfolk
3 Southern's impact and that was my primary area of
4 concern is how do we keep that status quo. And the
5 freight lead extension has some minor benefits for
6 NS, and I said, well, in light of the other
7 projects and the fact that we can mitigate those
8 without this freight lead extension, that's perhaps
9 not the best project to advance because of its
10 sheer expense, but when I became aware through my
11 clean team work that our foreign carriers that rely
12 on the back belt for their interchange operations
13 and ultimately me, you know, Norfolk Southern and
14 CSX's recipients of those trains, a 40 percent, you
15 know, a 35 percent round number detriment to the
16 interchanges and the delays that are associated
17 with that is just unacceptable. And that is what
18 brought me around to viewing the freight lead
19 extensions as one of the most beneficial projects
20 here. Not to mention the significant benefit that
21 it has to the passenger trains. I mean, that's the
22 core reason, is you've created yourself what isn't

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1 necessarily a dedicated passenger lane, but you've
2 created a main line capacity that directly benefits
3 the passenger service.

4 Q. So I just want to make sure that we're
5 clear here so that the record is clear, that what
6 the figure shows is that the introduction of
7 passenger service would cause a 33.6 percent change
8 in interchange delay as compared to the 2019 base
9 case but without passenger service at all,
10 constructing the freight train lead would result in
11 a 28 percent, 27.6 percent benefit to the freights
12 in terms of reduction of interchange delay; is that
13 correct?

14 A. To the western carrier traffic coming on
15 to the back belt, I believe that's correct. But I
16 would caution you I didn't model this nor did I
17 create the figure or author the report, so there is
18 certainly going to be several people who follow me
19 who can speak directly to this and to the outputs
20 of the model. I would urge you to speak with Mark
21 Dingler and the other modelers who can tell you
22 precisely what this means. I don't want to

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1 misrepresent it to you.

2 Q. Thank you. But just to be clear, NS is
3 not planning to invest any of its own private funds
4 in order to reduce freight train delays, freight
5 train interchange delays?

6 MR. DONAHOE: Objection. Asked and
7 answered.

8 CHAIRMAN OBERMAN: He may answer. This is
9 cross-examination.

10 A. That's correct, ma'am.

11 BY MS. AMUNSON:

12 Q. Thank you. Mr. Hunt, you've testified
13 that you were part of the clean team for purposes
14 of preparing the 2021 RTC study; is that correct?

15 MS. AMUNSON: And, Mr. Peterson, you can
16 take this down for now. Thank you.

17 A. That's correct. I was one of the clean
18 team members.

19 BY MS. AMUNSON:

20 Q. What was the clean team?

21 A. So the clean team was a group of
22 individuals representing the modeling community.

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1 It was our modeler that primarily did the work,
2 Mark Dingler; it was Hannah Rosse and Holly
3 Sinkkanen representing Norfolk Southern and CSX in
4 reverse order; and it was myself and Will
5 Roseborough who brought in engineering and
6 operational expertise; and obviously outside
7 counsel who participated in the capacity of
8 overseeing the operation of the clean team and
9 making sure that confidentiality and highly
10 confidential materials were protected as agreed to
11 by the groups.

12 The clean team's functionality -- you
13 know, Charlie Banks spoke to this, he was a member
14 of the clean team as well as Larry Guthrie, those
15 two gentlemen that I didn't name were also primary
16 overseers of the process, and it was aimed at
17 looking at the methodologies, the inputs, the
18 assumptions, and the word I would use is making
19 sure that those items were unimpeachable. You
20 know, we were doing that under the color of
21 litigation. We were going to come before this
22 panel and we were going to talk about the findings

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1 of that RTC model and we were going to have to
2 represent to the public when we asked for
3 infrastructure money if that turned out to be the
4 ultimate result and we were going to have to do
5 that with clear consciences and straight faces and
6 we were going to have to say that we did everything
7 right. And so the clean team was a secondary
8 effort beyond typical modeling that employed
9 experts across a number of fields and from both
10 companies to basically review the inputs/the
11 assumptions to make sure nothing was missed to make
12 sure nothing was added that shouldn't have been and
13 to make sure when we handed something to this board
14 we could look all of you in the eyes and say this
15 is a reliable and unimpeachable work product. And
16 I think we did it. I feel very strongly about
17 that.

18 Q. Thank you. Can I clarify? Mr. Dingler,
19 Mr. Banks, and Mr. Guthrie, they were part of the
20 clean team?

21 A. They were participants. Well, they were
22 the modelers, obviously, and so the clean team was

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1 aimed or charged with supporting their efforts.
2 And, you know, I don't know if they were official
3 members of the clean team, but they were
4 participants in all of the clean team exercises
5 because the clean team's work was aimed at making
6 sure that what they were doing was right.

7 Q. Was there a not clean team? I'm trying to
8 understand what the relationship is between the
9 clean team and the modelers.

10 A. So on the railroad we like to give things
11 catchy names and so the clean team is the catchy
12 name for the group because we -- you know, we came
13 in without preconceived notions and we weren't
14 aiming at cleaning anything necessarily. We just
15 weren't involved in the early stages and our job
16 was to make sure it was right. So clean in the
17 sense of unbiased and uninterested other than to
18 make sure the thing was done correctly, and as I
19 noted, I think the clean team achieved its goal.

20 Q. You said you came in without preconceived
21 notions. So can you just explain for me whether
22 you had any preconceived notions about whether

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1 infrastructure would be necessary for Amtrak to
2 operate on the Gulf Coast?

3 A. Well, I mean, having gone through many of
4 these, we noted on direct that I've been a part of
5 several implementations of passenger train service.
6 I am -- you know, what I would call an expert on
7 our operations in New Orleans, at least the Norfolk
8 Southern operations, and the operations of the
9 carriers that traverse the back belt, I would say I
10 had an expectation that infrastructure was likely.
11 I didn't come in to that with any expectation that,
12 you know, a particular piece of infrastructure was
13 going to be necessary, and I view this all very
14 skeptically. I am, as I noted, a taxpayer, and so
15 before the first dollar of my paycheck goes towards
16 a project that might be funded by public money, I'm
17 going to make sure it's the right project,
18 particularly if I'm the one that's defending it
19 so --

20 Q. And did you --

21 A. -- and that's sort of how I view this.

22 Q. Did you come in with any preconceived

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1 notions about whether the modelers should model any
2 operational changes to NS or CSX operations?

3 A. I think I noted earlier that that's kind
4 of a reverse order type of operation. You can't --
5 you can't really model operational changes in the
6 sense that you -- I suppose you could. I don't
7 know how you would. That would be a question for
8 the modelers. But the way that we have looked at
9 operational changes in the past in these
10 introduction to service is you build the existing
11 operation, you add the proposed service, be it
12 freight passenger or whatever it is, you model the
13 impacts, and then you mitigate that through
14 infrastructure.

15 And then the second stage of that is the
16 negotiation of what do we need, what do we not
17 need, and what can we mitigate with perhaps
18 operational changes on both sides? Perhaps it's a
19 change to an Amtrak schedule, change to a freight
20 train schedule. There's all kinds of things you
21 can do but that's a second step. That's not
22 something you can do on the front end or you're

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1 just guessing.

2 Q. But NS's position in this litigation is
3 that these 14 projects are needed for Amtrak to
4 start Gulf Coast service, correct?

5 A. That's absolutely correct. Under the
6 scenario -- the operating scenario that has been
7 proposed to us and what we were told is the
8 operating scenario that Amtrak wants to introduce,
9 these are the projects that mitigate the impacts
10 based on --

11 Q. And that's without considering any
12 operational changes by CSX or NS, correct?

13 A. I'm not aware of where that would fall in
14 this stage. That would have been where we would
15 have gone under a normal cooperative effort to
16 institute passenger service.

17 Q. That's without considering any possibility
18 of schedule changes by CSX or NS, correct?

19 A. That is -- under the operating scenario
20 that Amtrak has said they want to introduce the
21 service, those are the infrastructure improvements
22 that are necessary, yes, ma'am.

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1 Q. So just to clarify -- and my question
2 again was -- that the 14 infrastructure
3 improvements are necessary and that was determined
4 without considering any sort of schedule changes by
5 CSX or NS, correct?

6 A. Under the modeled operation, those are the
7 infrastructure changes that are necessary, yes,
8 ma'am.

9 Q. Without considering any schedule changes
10 by CSX or NS, correct?

11 A. We modeled the operation as it exists and
12 with regard to the future projected growth that is
13 included in the model.

14 Q. Without considering any schedule changes
15 by CSX or NS?

16 A. I'm not aware -- ma'am, you would have to
17 ask the modeler. I'm not aware of a change, I'm
18 trying to explain to you. But, no, ma'am, I did
19 not consider operational changes and I'm not sure
20 if the modelers did or not. You might want to ask
21 them.

22 Q. Did the clean team report to the modelers?

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1 And by the modelers I'm referencing Mr. Banks,
2 Mr. Guthrie, and Mr. Dingler.

3 A. No, ma'am. There was no reporting
4 structure in the clean team. Everybody was on
5 equal footing. It was a forum for people to give
6 ideas, to give criticisms, and to question inputs
7 and assumptions and to question outputs to make
8 sure that the inputs that were driving those
9 outputs were appropriate for advancement with this
10 board.

11 Q. So who determined that modelers would not
12 consider schedule changes by CSX or NS?

13 A. I can't tell you that anybody ever
14 considered that. We were not asked to model
15 operational changes. We were given a request for
16 increased passenger service and that was modeled in
17 light of the operation as it exists today. That's
18 really all we could do under the circumstances.

19 Q. Mr. Hunt, if I could direct your attention
20 to page 15 of your verified statement, which,
21 again, is Joint Exhibit 23A. And you can just let
22 me know when you're on the page, and I will tell

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1 you where I would like you to look.

2 A. Does the first paragraph start with
3 "Amtrak and the freight industry"?

4 Q. I would like you to look at the first
5 sentence of the second paragraph where you say
6 Amtrak abruptly abandoned the collaborative RTC
7 modeling efforts that were near completion in 2021.
8 Do you see that, sir?

9 A. I do, ma'am.

10 Q. Were you part of those 2020 modeling
11 efforts?

12 A. I was not the primary contact for Norfolk
13 Southern, but, yes, I was a part of that. Having
14 the operational oversight for passenger operations
15 on Norfolk Southern, I was involved.

16 Q. And you say that Amtrak abruptly abandoned
17 the collaborative RTC modeling efforts, but you
18 were aware that Amtrak had raised concerns about
19 the RTC modeling efforts throughout the process,
20 correct?

21 A. I am not aware of that necessarily. I
22 think that sort of mischaracterizes what our

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1 understanding of the event is. Amtrak was a
2 participant, fully participated in weekly calls,
3 not even an exaggeration to say weekly. The model
4 was largely built, base case at least. And I'm
5 getting outside again of my ken, but my
6 recollection is certain pieces of the model were
7 complete. There was a small software upgrade issue
8 that would have delayed the process, you know, a
9 matter of days as I understand it, and the software
10 patch had already been obtained to allow the model
11 to be rerun, and there was still some work to be
12 done that would have taken weeks but not months,
13 and the model would have been complete.

14 It's worth noting that the model that we
15 have completed as part of this effort is based on
16 the same assumptions, time frame, inputs that the
17 original model that was built with Amtrak was based
18 on. And so we, after Amtrak pulled out, we kind of
19 had to start over from scratch, but we used the
20 same base information that they agreed to as the
21 base information for our model.

22 Q. You were aware that Amtrak asked for

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1 access to certain data inputs to verify the RTC
2 study's outputs, correct?

3 A. I am.

4 Q. And access to that data would have allowed
5 Amtrak to see whether, for example, CSX's or
6 NS's -- CSX or NS could make operational changes
7 that would avoid the need for costly
8 infrastructure, correct?

9 A. I'm glad you brought this up because this
10 gets back to sort of the collaborative way that
11 we've done these in the past. And, in fact, the
12 original model -- modeling effort in 2020 that
13 included Amtrak contemplated this too. This is how
14 it should have worked had it gone to completion.

15 As with the Piedmont Improvement Project
16 where we did the exact same thing we -- you know,
17 we have data concerns, and we had something called
18 a data-sharing agreement or something like that. I
19 don't know the exact title of the agreement, but it
20 was part of the modeling agreement with all of the
21 parties that were involved -- Amtrak, NS, and CSX
22 -- and we all agreed to share certain information

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1 with each other. A lot of it that was commercially
2 sensitive was restricted as far as what the other
3 parties could see but summary data was guaranteed
4 to all parties. Things that scrubbed out the
5 commercially sensitive stuff. And so we signed
6 that with Amtrak, signed it with CSX, got well
7 underway into the process. You know, at some point
8 after that data-sharing agreement was signed,
9 Amtrak signed a contract with the FRA that I
10 understand had some pretty significantly different
11 data requirements, and I think that may have been
12 where we -- the paths diverged, unfortunately, as
13 Amtrak committed in their funding agreement with
14 the FRA to provide data that the data-sharing
15 agreement simply didn't allow. And while, you
16 know, maybe Norfolk Southern or CSX individually
17 could have seen fit to just share that data with
18 Amtrak under different circumstances, the
19 data-sharing agreement was just as much about NS
20 hiding our stuff from CSX as it was CSX hiding
21 their stuff from NS. We're freight competitors and
22 that's important to protect our commercially

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1 sensitive data.

2 I think Amtrak, unfortunately, having
3 committed to giving more than we were allowed to
4 provide to them sort of got themselves over their
5 skis with the FRA. But what we did in that same
6 kind of scenario where you had multiple parties
7 that wanted to see commercially sensitive stuff is
8 we have highly controlled environments where you
9 bring people into a room. Just like the room I'm
10 sitting in today, everybody gets around the
11 computer, we get to push the buttons, watch the
12 model run, nobody gets to pull out their cell phone
13 and record it, nobody gets to take anything home,
14 but they get to watch it, kick the tires, ask
15 questions, and that's how we've done that in the
16 past. It's what we did on the Piedmont Improvement
17 Project and it's precisely what we offered to do in
18 the original Gulf Coast model with Amtrak and CSX.

19 Again, unfortunately, we just never got
20 the ability to do it. I think had we gone that --
21 seen that process through, Amtrak would have had
22 everything they needed to look at operational

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1 changes or any other suite of infrastructure ideas
2 that they might have had. We just didn't have the
3 opportunity as an industry to show it to them.

4 Q. Was it one of NS's stated goals in
5 entering the 2020 RTC study to ensure that the
6 modeling would not be permitted to modify NS
7 operations in order to reduce the amount spent
8 on infrastructure?

9 A. You're going to have to say that again,
10 please, ma'am. I'm sorry. I didn't follow that.

11 Q. Sure. Was it one of NS's stated goals
12 when entering the 2020 RTC study to ensure that the
13 modeling would not be permitted to modify NS's
14 operations in order to reduce the amount of spend
15 on infrastructure?

16 A. It sounds as if you're reading from
17 something. Is that in an agreement or something to
18 which Norfolk Southern would have been a party? I
19 just -- to hear you say that I simply don't -- I
20 would be reluctant to -- if you're reading from
21 something that I am a party to as Norfolk Southern
22 is a party to, I'd love to see it, and I'll gladly

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1 answer your question, but I don't know that we
2 stated that goal. You would have to tell me what
3 you're referencing.

4 MS. AMUNSON: Mr. Chairman, at this time I
5 would like to mark for identification a document
6 Bates range stamped NS 23324 to 23329.

7 CHAIRMAN OBERMAN: Say those numbers
8 again?

9 MS. AMUNSON: Well, Mr. Chairman, I'm
10 going to explain to you that you don't have this
11 document at this time.

12 CHAIRMAN OBERMAN: I know, but for my
13 notes, what are the Bates numbers?

14 MS. AMUNSON: NS 23324 to 23329. And this
15 is a document that has been marked confidential by
16 NS, so I believe we will have to go into a
17 confidential session, Mr. Chairman.

18 CHAIRMAN OBERMAN: Let me just ask this
19 question. Is this a document -- it sounds like
20 it's a document that NS produced to you and Bates
21 stamped; is that correct?

22 MS. AMUNSON: Yes, that's correct,

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1 Mr. Chairman. And we've marked it confidential,
2 and we had discussed among counsel that for
3 purposes of exhibits such as this that come up
4 during cross-examination that we would
5 simultaneously e-mail them to all counsel and to
6 the Hearings@STB.gov address for the board, if the
7 board is amenable to that.

8 CHAIRMAN OBERMAN: And you are marking
9 this as exhibit number?

10 MS. AMUNSON: Amtrak Exhibit 7.

11 CHAIRMAN OBERMAN: All right. So have you
12 e-mailed it around?

13 MS. AMUNSON: We are doing it right now.

14 CHAIRMAN OBERMAN: I think that -- so you
15 want to go into the confidential breakout room,
16 correct?

17 MS. AMUNSON: Yes. NS has designated this
18 as confidential, so I believe we will have to go
19 into that.

20 CHAIRMAN OBERMAN: So just a couple of
21 logistics here. If you're sending it to
22 Hearings@STB.gov, I am assuming it will take a

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1 moment for the staff to forward that to the board
2 members so we can follow that along; is that right?

3 I don't know, who on the staff is on top of this?

4 MS. QUINN: We'll get it to you, Marty.

5 CHAIRMAN OBERMAN: Valerie, okay. So we
6 have to take a few seconds to move into the
7 breakout room, so while that's happening, will you
8 forward that to the board members and anybody else
9 who needs to look at it on the staff, and I guess
10 Jessie will let you know when we've got it, because
11 I think we should -- I assume we're going to want
12 to follow along.

13 TECHNICIAN CROSS: And, hey, Marty, this
14 is Matt. I'm ready to send you whenever you're
15 ready.

16 CHAIRMAN OBERMAN: Is there anything else
17 that needs to be said before we get sent?

18 MR. DONAHOE: I would like a minute to
19 obtain a copy of the document.

20 CHAIRMAN OBERMAN: Well, we're all
21 waiting, Mr. Donahoe, so we won't proceed until
22 you've got it and we've got it.

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1 MR. DONAHOE: Thank you.

2 CHAIRMAN OBERMAN: But in the mean time,
3 you can beam up us up, Matt.

4 (Confidential session follows.)

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(End of confidential session.)

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1 OPEN SESSION CONTINUED

2 CHAIRMAN OBERMAN: All right. We're back
3 in public session, if anybody has been able to stay
4 with us this long. We had lengthy discussions
5 about documents marked confidential, which is why
6 we went into this breakout room. If and when any
7 parts of those will be made public, we'll let
8 people know, but for the moment they aren't.

9 Jessie, continue with your
10 cross-examination.

11 CROSS-EXAMINATION

12 BY MS. AMUNSON: (resumed)

13 Q. So, Mr. Hunt, you denied Amtrak's request
14 to qualify its crews by saying it was premature and
15 unreasonable, correct?

16 A. Yes, but there were qualifications to that
17 language. But yes.

18 Q. Thank you. Mr. Hunt, you testified that
19 the inputs and parameters for the 2021 RTC study
20 that had been presented as CSX's and NS's evidence
21 of unreasonable impairment in this case had the
22 same inputs and parameters as the 2020 HDR study;

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1 is that correct?

2 A. With a few minor changes that the modelers
3 can certainly articulate, that's correct.

4 Q. And the infrastructure projects that were
5 recommended by the 2021 RTC study were designed to
6 allow NS to keep doing exactly what it's already
7 doing, correct?

8 A. Essentially. It was to maintain the
9 current fluidity, not to improve operations for the
10 freight service but rather just preserve our
11 current ability to do business.

12 Q. The 2021 RTC model that has been offered
13 as evidence of unreasonable impairment in this case
14 did not differentiate between which projects would
15 mitigate serious adverse impacts and which projects
16 would ensure the status quo for NS, did it?

17 A. Well, the entire suite of recommended
18 projects working in concert mitigated the impacts.
19 I'm not sure that there was individual
20 identification of certain projects that did certain
21 things, but, again, that would be a great question
22 for the modelers who know exactly how they modeled

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1 those infrastructure projects.

2 Q. So which of those projects that were
3 recommended will mitigate the extra 18 minutes of
4 delay that the RTC model says will result from
5 introduction of passenger service?

6 A. I'm not familiar with the 18 minutes of
7 delay that you speak to. The modelers probably
8 could -- if you point them to that portion of their
9 report could likely address it.

10 The infrastructure package as a whole, my
11 understanding is the package of infrastructure that
12 mitigates the adverse impacts and the unreasonable
13 impairment.

14 Q. What in your view is the difference
15 between unreasonable impairment and maintaining the
16 status quo for NS?

17 A. I'm not sure. I don't want to stray into
18 making legal conclusions here because, if memory
19 serves me, that's actually statutory language. I'm
20 not sure.

21 THE WITNESS: If I may consult my
22 attorney, is that a question I should answer, sir,

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1 or...

2 CHAIRMAN OBERMAN: Well, your attorney
3 hasn't raised any objection. If you can answer it,
4 answer it. If you don't think you can answer it,
5 tell us you can't answer it.

6 THE WITNESS: Fair enough. Well,
7 unreasonable impairment, I think, is probably
8 something most of us could understand if we think
9 about the operation today and the operation
10 tomorrow. For me it's more about defining, you
11 know, what wouldn't be unreasonable impairment and
12 identifying what clearly is.

13 To look at the outputs of the RTC model
14 from 2021, at the extreme increase in delay to our
15 connecting carriers, the interchange trains, to
16 look at the fact that the model was incapable of
17 running in the 20-year outlook case without
18 mitigating infrastructure, to me that's clearly
19 unreasonable.

20 I don't know where the line would be as to
21 what would be reasonable impairment, if that's what
22 you're getting at, but I certainly can recognize

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1 what I believe is unreasonable and I have no
2 question that the impairment that's introduced by
3 these passenger trains is completely unreasonable.

4 Q. I'm just asking you the 14 -- and,
5 actually, now it's 15 because the freight lead
6 project is included -- projects that are
7 recommended by the RTC study are, I believe you
8 testified, designed to help NS maintain the status
9 quo, correct?

10 A. That's what I said, but, you know,
11 obviously they are designed to mitigate the
12 unreasonable impairment. I think I used those
13 terms interchangeably. I didn't mean to imply that
14 status quo was somehow a definition for the legal
15 standard.

16 Q. Thank you. So you did use the term
17 "status quo" and "unreasonable impairment"
18 interchangeably?

19 A. I would have to go back and read the
20 transcript, ma'am. I'm not sure. I remember using
21 the term "status quo," but in the context that I
22 used it, I wouldn't want to necessarily say that it

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1 means the same thing; so hopefully it cleared up
2 what I meant by what I just described.

3 Q. Do you think it means the same thing,
4 maintaining the status quo and preventing
5 unreasonable impairment?

6 A. I'm not sure that I would say the status
7 quo is mitigation of unreasonable impairment. I
8 think, you know, my answer as to recognizing what
9 is unreasonable is a lot easier than maybe pointing
10 out what isn't. The RTC model to me, the impacts
11 to the freight operations to me, are clearly
12 unreasonable and I think I have -- you know, I have
13 somewhat of a pretty good perspective having worked
14 on the railroad for a number of years in operations
15 and seeing various types of operational changes.
16 To me, that is completely unreasonable what the RTC
17 model said would transpire.

18 Q. Is there some subset of those 15 projects
19 that you think would mitigate a reasonable
20 impairment?

21 A. I am not qualified to tell you. I have no
22 idea how any one of those projects impacts any of

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1 the delays. That's not something I studied. That
2 would be a great question for the modelers.

3 Q. I was going to ask you who would know
4 which one of those projects actually mitigates any
5 of the impacts that are claimed by the RTC study?

6 A. I suspect the folks who did the modeling
7 would be able to answer that better than anyone.
8 I'm not sure if they studied it either, but they
9 would certainly know if there was information like
10 that.

11 Q. But the modeling didn't spit out
12 infrastructure outputs, correct?

13 A. That's correct. Infrastructure was
14 introduced to mitigate impacts to the freight
15 operation and an infrastructure package was settled
16 upon just that.

17 Q. And that infrastructure package was
18 determined by the clean team?

19 A. The infrastructure was recommended by the
20 modeler and reviewed and vetted by the clean team.

21 Q. So the inputs about which infrastructure
22 to recommend came from the modeler, not from CSX or

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1 NS?

2 A. That's correct. The modeler recommended
3 the infrastructure. The clean team reviewed those
4 recommendations and we ultimately settled on what
5 we viewed as a defensible and appropriate level of
6 infrastructure investment to mitigate the impacts.

7 Q. And at least some of those projects,
8 including the freight lead, have previously been
9 considered by NS, correct?

10 A. Not to my knowledge, ma'am. Not the
11 infrastructure on Norfolk Southern.

12 Q. Norfolk Southern has never considered
13 itself extending the freight lead?

14 A. No, not to my knowledge.

15 Q. Just a few more questions for you. With
16 the clean team, are there notes or minutes of your
17 meetings and discussions?

18 A. Not that I'm aware. I didn't keep any
19 notes or minutes.

20 Q. Were there e-mails exchanged among the
21 clean team?

22 A. Perhaps. I believe our attorneys were

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1 directing those communications. I would have to
2 refer you to the attorneys for whether those
3 documents might be privileged, but I believe there
4 were some communications but they were colored by
5 directions from our legal advisers who participated
6 on the team as well.

7 Q. And, to the best of your knowledge, none
8 of those e-mails have been produced to Amtrak in
9 discovery in this case?

10 A. I have no idea if they were or not.

11 Q. I just wanted to raise a couple of more
12 questions for you about you compared the operations
13 in New Orleans to the operations in Chicago; is
14 that right?

15 A. I did.

16 Q. How many passenger trains a day are there
17 on the railroads in New Orleans?

18 A. There are two passenger trains in New
19 Orleans on Norfolk Southern's railroad.

20 Q. And how many in Chicago?

21 A. There are 14 per day in Chicago on Norfolk
22 Southern's railroad.

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1 Q. And do you know how many total Amtrak
2 trains per day at the Chicago terminal?

3 A. I have no idea.

4 Q. If I told you there were 56 Amtrak trains
5 per day, would that color at all your observations
6 about the impacts of adding two Amtrak trains at
7 the New Orleans terminal?

8 A. That has no bearing on the New Orleans
9 terminal.

10 Q. And you also testified about three
11 projects that you said -- the Piedmont project and
12 Norfolk project and the Roanoke project where you
13 said there was RTC modeling done, correct?

14 A. That's correct.

15 Q. And was Amtrak a part of that RTC
16 modeling?

17 A. I believe in each of those cases Amtrak
18 was not -- well, in the case of Piedmont
19 Improvement Project, yes, Amtrak was a signatory to
20 the RTC modeling agreement and was an active
21 participant. They actually came in the room and
22 kicked the tires, as I noted. They signed a

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1 contract to participate in that modeling.

2 In the other two events, those contracts
3 were signed with state sponsors, and while Amtrak
4 was certainly involved in things like scheduling
5 the trains and determining where passenger stops
6 went and largely directing where the infrastructure
7 improvements that were passenger specific would go,
8 I can't tell you that they were specifically
9 involved in the modeling, but they were certainly
10 involved with their state sponsor and all of the
11 planning and the state sponsor's interaction,
12 unquestionably.

13 Q. NS has acknowledged that there is
14 sufficient theoretical capacity for the Gulf Coast
15 service to operate, correct?

16 A. Restate that please. NS has acknowledged
17 what?

18 Q. That there is sufficient theoretical
19 capacity for the Gulf Coast service to operate?

20 A. Yes. The modeling showed that if you
21 introduce the trains into the 2019 case, the trains
22 could run and the impairment that we've been

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1 speaking about is the result. So to the extent
2 there is capacity, there is also tremendous
3 impairment and that manifests itself immediately.

4 Q. And you testified earlier that there would
5 be -- I don't recall exactly your testimony but
6 kind of major snarls or grind to a halt or
7 something like that for the entire corridor, is that
8 what you said?

9 A. Yes, in the future case without
10 infrastructure, the model actually cannot run. And
11 the modeler can explain to you the functionality
12 that leads to that, but the model actually will not
13 run, RTC will crash, and it is impossible from a
14 physical standpoint for the trains to move within
15 RTC absent the infrastructure investment in the
16 future --

17 Q. But that's in 2039, correct?

18 A. That's correct.

19 Q. And in 2019 that does not happen, correct?

20 A. No. You get immediate significant
21 impairment. Those items are detailed in the RTC
22 report. Significant delays, significant impairment

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1 to our interchange partners; so that is the
2 immediate degradation that I was speaking to
3 earlier.

4 Q. And those are the delays of 18 minutes and
5 the reduction in freight train speeds of 14.8 to
6 14.1 miles per hour; is that correct?

7 A. Ma'am, you would have to ask the modelers
8 about the direct impacts. I can't speak to those.
9 I'm not sure what the outputs were, nor am I sure
10 if you're characterizing them correctly.

11 Q. NS has previously acknowledged that the
12 Gulf Coast service can be added now without causing
13 the corridor to grind to a halt, correct?

14 A. I think you've just heard me say the
15 opposite.

16 MS. AMUNSON: I would like to bring up
17 Joint Exhibit 61 at page 4.

18 CHAIRMAN OBERMAN: What document is this,
19 Jessie?

20 MS. AMUNSON: This is CSX and NS's
21 response to Amtrak's surrebuttal.

22 CHAIRMAN OBERMAN: It's a pleading, I take

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1 it, not the verified statement?

2 MS. AMUNSON: A pleading. Yes, it's a
3 pleading, sir.

4 CHAIRMAN OBERMAN: All right. Can you
5 highlight whatever you want us to look at?

6 MS. AMUNSON: Sure.

7 (Joint Exhibit 61 marked for
8 identification was introduced.)

9 BY MS. AMUNSON:

10 Q. I would like to look at the first full
11 sentence that begins "The 2021 Gulf Coast RTC study
12 also reveals..."

13 CHAIRMAN OBERMAN: Can you --

14 MS. AMUNSON: You got it.

15 CHAIRMAN OBERMAN: Thank you.

16 A. So I assume you would like me to speak to
17 that in light of the statement that I just made,
18 and I think I clarified that pretty
19 straightforwardly.

20 The RTC model will run. "Grind to a halt"
21 in this context has to do with the RTC model's
22 ability to physically dispatch the trains and to

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1 complete a modeling run. That doesn't mean there
2 isn't significant, immediate, and profound
3 impairment to the freight operation.

4 BY MS. AMUNSON:

5 Q. And, again, that impairment is the
6 reductions in train speeds and the minutes of added
7 delay, correct?

8 A. All of the identified impairments that
9 were identified in the report that the modeler can
10 certainly detail for you and speak to the
11 characterization of the data.

12 MS. AMUNSON: Thank you. If I can have
13 just a minute, Mr. Chairman.

14 CHAIRMAN OBERMAN: All right.

15 MS. AMUNSON: Thank you, Mr. Chairman, and
16 thank you, Mr. Hunt, I'm finished with this
17 witness.

18 CHAIRMAN OBERMAN: I have just a couple of
19 questions.

20 I want to just get the chronology from
21 hours ago when we were talking about the freight
22 lead. Let me see if I understand this. The RTC

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1 report was first dated November 3, 2021. It did
2 not have the proposal for the freight lead in it.

3 THE WITNESS: One point of clarification.
4 It did include a reference to the freight lead in
5 the initial report.

6 CHAIRMAN OBERMAN: But it didn't -- the
7 model didn't include --

8 THE WITNESS: That's correct, sir, yes.

9 CHAIRMAN OBERMAN: -- freight lead.

10 Then -- well, do you know where that is in
11 the report? If you don't, we won't spend time.
12 We'll find it.

13 THE WITNESS: I believe it was at the end.
14 I may be mistaken, sir. It's been a long day so --
15 I apologize for the interruption. I'm unclear what
16 the chronology is.

17 CHAIRMAN OBERMAN: I'm not going to hold
18 you to it. I didn't see it in any of the projects
19 mentioned in it.

20 Then at some time -- we'll find it. I
21 don't want to take up the time now.

22 After November 3rd, someone suggested the

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1 freight lead extension. And do I understand your
2 testimony to be that the someone was from the RTC
3 modelers?

4 THE WITNESS: I, as a part of the clean
5 team, the clean team recommended that that be
6 reviewed in some level of detail. There was
7 additional modeling that was completed. The RTC
8 rebuttal report included that, but the clean team
9 largely directed the review of that as a secondary
10 review.

11 CHAIRMAN OBERMAN: Well, the clean team
12 included the modelers and yourself and somebody
13 from CSX.

14 THE WITNESS: That's correct, sir, a
15 number of individuals from both organizations.

16 CHAIRMAN OBERMAN: Can you identify a
17 person who first suggested doing the freight
18 extension? Is that possible?

19 THE WITNESS: It might have been me. And,
20 again, the modeling -- the initial modeling did
21 review the freight lead extension. We looked at
22 the project and we made a conscious decision to

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1 exclude it because of cost and perceived freight
2 benefit. It was only after I more thoroughly
3 reviewed the report and realized the significant
4 impact to the connecting carriers that I said, hey,
5 we have to look at this again and let's make sure
6 we were right.

7 As it turns out, that is the only project
8 that mitigates that impact. And so -- and our
9 modelers were tasked with looking primarily at
10 Norfolk Southern and CSX impacts, and so they did
11 what we asked them to do. And when we realized
12 another constituency that was significantly and
13 severely impacted, that is when I made the
14 recommendation that we would look at the freight
15 lead in more detail. The model ultimately bore out
16 my suspicion, which is that that is a valuable
17 project and it changed my mind on that project.

18 CHAIRMAN OBERMAN: And you didn't make
19 that recommendation until after November 3rd,
20 2021 --

21 THE WITNESS: Yes, sir.

22 CHAIRMAN OBERMAN: -- is that correct?

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1 THE WITNESS: That is the subsequent
2 modeling that was performed after the initial
3 report.

4 CHAIRMAN OBERMAN: Right, but your
5 recommendation to study the freight lead didn't
6 come until after the November 3rd report; is that
7 correct?

8 THE WITNESS: That's correct, sir, yes.

9 CHAIRMAN OBERMAN: That's all I had.
10 Do any other board members have any other
11 questions? If not, it's five minutes to five.

12 Mr. Donahoe, I do not want to cut you off,
13 and I would rather if it doesn't take long give you
14 the time you need, and we may miss the hard stop,
15 but hopefully not by much.

16 MR. DONAHOE: Mr. Chairman, I have no
17 further follow-up.

18 CHAIRMAN OBERMAN: All right. Rob
19 Wimbish, do you have any?

20 MR. WIMBISH: No, sir, I do not.

21 CHAIRMAN OBERMAN: Well, that is shocking.
22 The government finished something five minutes

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1 early. I hope we will all be praised for that.

2 THE WITNESS: You certainly have my
3 appreciation for not extending into Friday.

4 MEMBER PRIMUS: Five minutes early and ten
5 minutes later.

6 CHAIRMAN OBERMAN: We tried to
7 accommodate -- I will just say I remember my first
8 railroad experience is at Metra where on time was
9 within six minutes, so we are even ahead of that.

10 So thank you much, Mr. Hunt. You are
11 dismissed.

12 There is -- as long as we have a couple of
13 minutes, there is something that I wanted to raise
14 with counsel that I am just unclear on about these
15 joint exhibits. I believe, going from memory, that
16 the description of the joint exhibits was really
17 consistent of everything that had already been
18 filed in this case, and, therefore, the parties
19 agreed to just label them all as joint exhibits.
20 Is that a fair understanding?

21 MR. WARREN: Yes, Mr. Chairman, that's a
22 fair understanding. So there are two -- oh, I'm

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1 sorry. Just if I might clarify. So the exhibits
2 that start JE, that set of joint exhibits, those
3 have been agreed by all parties, that's on the
4 record. And we might have created some confusion
5 because there is also CSXT/NS exhibits that are
6 joint, those all start CSX/NS.

7 CHAIRMAN OBERMAN: I guess the question in
8 my mind, though, there's been a lot of moving of
9 the admission of exhibits, and I'm trying to
10 distinguish between those three volumes just
11 consisting of exhibits that no one objects to and
12 who is actually sponsoring their admission.

13 MR. WARREN: And I would submit,
14 Mr. Chairman -- I can't quote the exact decision,
15 but I believe that's in one of the prehearing
16 decisions. I think the board indicated that all of
17 the evidence had been -- that had been previously
18 submitted had been received. And I also believe
19 that all of the joint exhibits were admitted
20 without objection, but I am not -- I'm not
21 confident of what the transcript says on that first
22 day.

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1 CHAIRMAN OBERMAN: I understand that to be
2 the case, Matt, but what I am trying to be clear on
3 in case it arises with regard to any specific
4 exhibit that may some day get challenged is would
5 it be accurate to say that even though they're
6 joint exhibits, the sponsoring party is the party
7 that submitted them to the record in the initial
8 case; it doesn't mean everyone is adopting
9 everyone's exhibits as they're own. Is that your
10 understanding, Matt?

11 MR. WARREN: Yes. I think that makes
12 sense to me.

13 CHAIRMAN OBERMAN: Bill?

14 MR. MULLINS: That's fine, Mr. Chairman.

15 CHAIRMAN OBERMAN: All right. And Jessie?

16 MS. AMUNSON: Yes, we agree.

17 CHAIRMAN OBERMAN: Rob?

18 MR. WIMBISH: Yes, we agree.

19 CHAIRMAN OBERMAN: I just think it's
20 important for the record, and I'm trying to be neat
21 and clear here. This is my first presiding judge
22 role or judge-like role, I guess to be accurate,

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1 and I think I'm responsible to keep the record
2 clear, but I think it is now crystal clear.

3 There will be discussions internally at
4 the board about further hearing dates tomorrow. We
5 may want to address those when we reconvene on
6 Friday morning. It's clear that we can't finish
7 the whole case on Friday. So I would encourage all
8 counsel to confer with your availabilities and
9 given the very, very crowded agenda at the board,
10 we need to look out into the foreseeable future.
11 I'm not going to put a deadline on it, but when we
12 convene Friday, we probably could benefit from at
13 least a brief discussion on availability and
14 setting further hearing dates.

15 So unless anyone else has anything to say,
16 it's 4:59 --

17 MR. WIMBISH: Mr. Chairman, if I may, as
18 far as the Friday proceedings go, we had with us
19 from Friday afternoon and will have through Friday
20 both the chief executives of the Port of Mobile and
21 the general manager at T ASD. They have travel
22 plans for Friday evening that would enable them, if

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1 we had a hard stop at 5 p.m. Eastern, to make their
2 travel for the weekend. And so I'm just asking as
3 a matter of case administration if we can have some
4 comfort that looking to Friday that we will be able
5 to have the hard stop at about 5 p.m. Eastern to
6 enable them to make their flights back to Alabama
7 that evening.

8 CHAIRMAN OBERMAN: I think it's a
9 reasonable request, Rob. Let me just ask, on
10 Friday we're going to hear from -- Ray, Matt, do
11 you want to tell us what order we're going to
12 proceed?

13 MR. WARREN: Yes. I will give you our
14 order and we will, of course, have to see how far
15 we get, but we are going to start with Hannah Rosse
16 from CSX, and then Holly Sinkkanen from Norfolk
17 Southern, and then now we're getting -- we question
18 whether we'll get there, but then we would bring
19 Mr. Mark Dingler followed by Larry Guthrie.

20 So I think realistically -- I mean, we
21 would obviously like to get as much done as we
22 could. Realistically I doubt that we will get

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1 beyond Ms. Rosse and Ms. Sinkkanen on Friday.

2 CHAIRMAN OBERMAN: You're a pessimist.

3 MR. WARREN: Well, I might be an optimist
4 because I'm anticipating that we will increase our
5 rate by 100 percent.

6 CHAIRMAN OBERMAN: Well, that's possible.
7 But I think -- I'm sorry. Patrick? Did you say
8 something?

9 MEMBER FUCHS: It's just worth noting, as
10 we think about timing, that Mr. Dingler was
11 referenced by many witnesses and that may or may
12 not have relationship with the amount of time that
13 everybody is under, but I just wanted to point that
14 out.

15 CHAIRMAN OBERMAN: I mean, it might make
16 sense -- I mean, I don't know, but I'm wondering in
17 the hope that we can actually get through three
18 witnesses, it would be unlikely if we got to the
19 first two we could finish Mr. Dingler, I wonder if
20 we should consider starting with Mr. Guthrie if we
21 really, really got there early in the afternoon.
22 Is that a possibility or -- I don't want to disrupt

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1 your order of preference.

2 MR. WARREN: Thank you, Chairman. We
3 would like to stick with the order that we have
4 selected for our witnesses.

5 CHAIRMAN OBERMAN: We will honor that.

6 So with that, Rob, I think -- first of
7 all, it's a weekend. I think speaking for myself,
8 all five of us are exhausted; so 5:00 Friday seems
9 reasonable -- and any board member who wants to
10 disavow being exhausted should speak up -- so we
11 will plan on a hard stop.

12 And I assume it really has to be a hard
13 stop, from what you're saying, Rob, because they're
14 trying to catch a plane; is that correct?

15 MR. WIMBISH: Yes, sir. They have
16 tentative travel plans. If we do not have a hard
17 stop at 5:00 and they need to stick around, that
18 jeopardizes their ability to travel back home on
19 Friday evening and not stay for the weekend.

20 CHAIRMAN OBERMAN: We'll do it. It may
21 mean that we'll end up having to stop a little
22 early because it's a natural breaking point, but we

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1 won't stop late. I appreciate that.

2 MR. WIMBISH: I realize that Mr. Mullins
3 has had previous experience for this that might go
4 counter to this particular precedence, but I'm
5 hoping in this case we can have the accommodation.

6 MR. MULLINS: It's because of that I
7 didn't make any plane reservations so...

8 CHAIRMAN OBERMAN: I would just say if we
9 end up stopping 15 or 20 minutes early, it's not
10 going to effect the overall conclusion of this
11 matter.

12 MR. MULLINS: Oh, heavens no.

13 CHAIRMAN OBERMAN: So we will honor --
14 and, Rob, I'm going to count on you to keep -- you
15 know, if we got intensely -- in intense discussion,
16 to raise the issue and remind me.

17 MR. WIMBISH: Okay.

18 CHAIRMAN OBERMAN: Thank you all. We
19 thank the public. We will thank our dear court
20 reporter and Matt, and we will reconvene at
21 9:30 a.m. Eastern on Friday morning. Thank you
22 all.

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1 (Whereupon, the proceedings adjourned at
2 5:06 p.m. and were scheduled to reconvene on
3 Friday, April 8, 2022, at 9:30 a.m.)

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1 C O N T E N T S

2

3 WITNESS PAGE

4 RANDY HUNT

5 Direct by Mr. Donahoe 768

6 Cross by Ms. Amunson 943, 1105

7 Confidential cross by Ms. Amunson 1008

8 Confidential redirect by Mr. Donahoe 1072

9 Confidential cross by Ms. Amunson 1095

10

11 CONFIDENTIAL SESSION: Pages 986 - 1105

12

13 E X H I B I T S

14 EXHIBIT NUMBER ID EVD

15 CSX/NS 168 Stick diagram 800 940

16 CSX/NS 169 Aerial view 789 940

17 CSX/NS 307 Video Terminal Junction 878 940

18 CSX/NS 308 Diagram 888 940

19 Amtrak 7 Bates NS23324 to 29 1008

20 Amtrak 8 Bates NS23200 to 01 1098 1099

21 Joint 7G Study/Agreement 1080

22 Joint 61 Surrebuttal response 1118

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CERTIFICATE OF STENOTYPE REPORTER

I, DONNA L. LINTON, Registered Diplomat Reporter, Certified Court Reporter and Certified LiveNote Reporter, hereby certify that the foregoing proceedings were recorded by me in shorthand and electronically at the time and place mentioned in the caption hereof and thereafter transcribed by me; that said proceeding is a true record of the testimony given by said participants; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Donna L. Linton, RDR-CCR-CLR

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