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Case: Hearing on Amtrak Operations in Gulf Coast



Ace-Federal Reporters, Inc.
Phone: 202-347-3700
Fax: 202-737-3638
Email: info@acefederal.com
Internet: www.acefederal.com

SURFACE TRANSPORTATION BOARD

HEARING ON AMTRAK OPERATIONS

IN GULF COAST

DOCKET NO. FD 36496

PUBLIC HEARING

Tuesday, February 15, 2022 -- Day One

9:30 a.m.

Via Zoom

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

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

2 9:30 a.m.

3 CHAIRMAN OBERMAN: Good morning everyone
4 and welcome. This is beginning to be like a series.
5 We're back together. Thank you all for joining us
6 for this hearing on the Amtrak Gulf Coast proceeding.

7 Briefly by way of introduction Amtrak has
8 filed an application with the Board under 49 USC
9 24308-E and it's important to specify what we're
10 proceeding under. It's a case of first impression,
11 which we're all quite conscious of. Amtrak is
12 seeking an order requiring CSX and Norfolk Southern
13 to allow Amtrak to operate two round trip intercity
14 passenger trains per day over the rail lines of CSX
15 and NS between New Orleans and Mobile.

16 We've had discovery in this case, and we
17 received numerous filings already, including evidence
18 and argument by Amtrak, CSX, NS and the Port of
19 Mobile. Early next month we will have a formal
20 hearing on the record involving those four parties.
21 The primary purpose of today's session is for
22 interested persons, other than the four parties to

1 the case, to provide comments.

2 We expect that this phase will continue
3 through tomorrow morning after which it will be
4 followed by a pre-hearing conference with the four
5 parties and their attorneys to discuss the
6 arrangements for the hearing on the record. I'd like
7 to thank those appearing for their participation
8 today and tomorrow, and for their efforts to prepare
9 for this hearing.

10 I'd also like to say a special thank you
11 to our IT folks, Knox Ross, and other Board staff who
12 have worked so hard to make sure you can have another
13 successful virtual hearing. Before we begin I will
14 cover a few brief procedural technical matters.

15 First as always, please silence your cell
16 phones. Turn off your cameras and mute yourselves in
17 Zoom. Witnesses will be called in panels. When your
18 panel is called please turn your camera on, and keep
19 it on during the duration of the panel. When you are
20 presenting a timer will appear counting down your
21 allotted time. When that timer reaches zero your
22 time will have expired, and we will ask you to

1 conclude your remarks.

2 If the Board members have questions while
3 you're presenting, be aware that they might ask those
4 questions before your presentation is over.

5 Panelists, you have access to the chat function in
6 Zoom, but please only use this for technical
7 questions. If you become disconnected from the
8 hearing, and are not able to reconnect via Zoom,
9 there is a phone number you may use to call in
10 included in the hearing information you were
11 provided, and hopefully we can correct that problem.

12 You can also refer to the frequently asked
13 questions on the Board's website for any further
14 trouble shooting for contact information. This
15 hearing is also being streamed on YouTube, and a link
16 is available on the Board's website. The transcript
17 of the entire hearing will be placed on the Board's
18 website after the close of the hearing, and a
19 recording will be available as well.

20 For the benefit of the Court Reporters,
21 please speak clearly into your microphone, and
22 minimize background noise. The Court Reporters are

1 welcome to interject if they can't hear us. We will
2 take a 30 minute break for lunch today at 12:30, from
3 12:30 to 1:00 Eastern. We will also take several
4 short breaks throughout the day as needed.

5 One final note to the four parties in this
6 case. That is Amtrak, CSX, NS and the Port. The
7 schedule of appearances we issued last Friday
8 anticipated only a short response by the parties to
9 the comments presented today and tomorrow morning
10 when all of the panelists are finished.

11 However, keep in mind parties that you
12 will have plenty of time during the formal hearing to
13 present your cases, and you may not need much time to
14 respond to any of the public comments tomorrow.
15 Therefore, in the interest of efficiency I ask you to
16 listen to the speakers and think about what you
17 really need to respond to tomorrow.

18 After all of the public comments we will
19 have a short break after which you can tell us how
20 much time you think you really need tomorrow morning,
21 and what you think you need to respond to that you
22 can't effectively cover in the hearing on the

1 record, and we will then set more specific times for
2 each of you at that time, keeping in mind that we
3 would like to finish covering all of the pre-hearing
4 discussion before the end of the session tomorrow.

5 In the interest of time my four colleagues
6 on the Board, Michelle Schultz our Vice Chairman,
7 Robert Primus, Patrick Fuchs, and our newest member
8 Karen Hedlund have all opted not to give any opening
9 remarks. And with that I would like to call on our
10 first speaker, Senator Roger Wicker, Ranking Member
11 of the Senate Committee on Commerce, Science and
12 Transportation.

13 Senator Wicker needs no introduction
14 except to say that without his determination and
15 guarded leadership on this issue we would undoubtedly
16 not be here today. So with that Senator Wicker.

17 SENATOR WICKER: Thank you Mr. Chairman,
18 and I assume you can hear me.

19 CHAIRMAN OBERMAN: I can loud and clear.

20 SENATOR WICKER: So I'm going to proceed.
21 Thank you Chairman Oberman and other distinguished
22 members of the Board. I appreciate you giving me

1 this opportunity to speak at this hearing in support
2 of Amtrak's application to restore passenger rail
3 service between New Orleans and Mobile.

4 Restoration of this vital service is long
5 overdue. I appreciate the Board's attention to this
6 issue, and the dedication all of you have shown in
7 engaging through this process, but doing so on an
8 expeditious basis. The impact of Hurricane Katrina
9 is still being felt. Of course it devastated the
10 Gulf Coast in 2005. The disaster killed 238
11 Mississippians, displaced 66,000 more Americans, and
12 caused total economic losses in excess of 100
13 billion dollars.

14 The storm also wreaked havoc on
15 infrastructure across the region, not just in the
16 states of Alabama, Mississippi and Louisiana. But
17 one of the victims that remains is passenger rail
18 service along the Gulf Coast. It was just one of the
19 many harms that resulted, but it has proven difficult
20 to set right, and I'm hoping that we are at a moment
21 of fruition in that regard.

22 Resumption of the service after more than

1 16 years would mark the completion of a long recovery
2 from one of the strongest storms on record. It would
3 also support future economic growth. Indeed the
4 cities along the Mississippi Gulf Coast have already
5 recovered in many other metrics. Since 2010 the
6 population has steadily increased, increasing demand
7 for transportation options.

8 As a matter of fact because of the
9 increased population passenger rail service would be
10 even more beneficial than ever, serving workers,
11 residents, and tourists traveling to Bay St... St.
12 Louis, Gulfport, Biloxi and Pascagoula and all points
13 in the three Gulf Coast Counties of Mississippi
14 as well as Alabama and Louisiana.

15 Now I know that some parties have raised
16 concerns about freight rail movement. I am very
17 supportive of freight rail and increasing our
18 capacity for freight rail. Mississippians are
19 experiencing the same inflation and supply chain
20 challenges as our fellow Americans. Nevertheless, I
21 see restoration of a rail transportation option as an
22 improvement not an impairment.

1 I'm confident that the Gulf Coast Rail
2 Corridor can accommodate passenger rail service.
3 Clearly it ran before Hurricane Katrina, and I
4 appreciate the existing rail infrastructure may
5 impose certain limitations, but I want to emphasize
6 that this endeavor is not a zero sum game.
7 Mississippians can and should have access to
8 efficient freight movement, and effective means of
9 passenger travel also.

10 As with so many topics, discussions about
11 passenger rail can be contentious, and some
12 stakeholders with interests far from the Gulf Coast
13 are invested in the outcome of this matter. For the
14 Mississippians who lost a transportation option along
15 with so much else to Hurricane Katrina, this case is
16 not an abstract policy question. It's about
17 continuing and completing the recovery some 16 years
18 later.

19 Freight and passenger railroads must work
20 together to achieve benefits for both elements of
21 rail transportation along the Gulf Coast. I
22 recognize that the parties to this proceeding have

1 already devoted a lot of time and energy to restoring
2 this service, and I appreciate those efforts. Given
3 that history however, the time has come for a formal
4 decision, allowing for restoration of Gulf Coast
5 passenger rail service as soon as possible.

6 The Surface Transportation Board has the
7 authority under the law, and the expertise to
8 consider any challenges, and chart an effective path
9 forward. So I want to thank the Board members again
10 for their attention to this important matter, thank
11 all of the witnesses who were lined up to speak on
12 our behalf, and it's my hope that we can all end up
13 collaborating together to deliver effective passenger
14 rail service to the Gulf Coast. Thank you very
15 much.

16 CHAIRMAN OBERMAN: Senator thank you, and
17 I think we're all honored by the fact that you have
18 taken some time out of your day to address us across
19 the hill, the other side. I would like to see if I
20 could, I mean we don't want to keep you too long, but
21 I'm wondering if you could give us your view of the
22 role of the recently passed bipartisan infrastructure

1 bill, the role that those resources might play in the
2 future of this particular line.

3 SENATOR WICKER: Very much so, and it's an
4 excellent point. Of course our position is that the
5 law favors this petition regardless of what else
6 might have been passed, but the happy and positive
7 answer to your question is that the bipartisan
8 infrastructure law which has been passed by both
9 houses, and signed into law by President Biden,
10 includes historic levels of federal funding that can
11 be used to benefit both freight rail and passenger
12 rail.

13 And in addition there are a number of
14 investments for freight movement in and around ports
15 supporting another vital element of the supply chain,
16 so it's a vast and complicated, and all encompassing
17 infrastructure bill, 95 percent of which I would
18 contend is actually part infrastructure, and
19 passenger rail, freight rail, and seaports are very
20 much mentioned, and financed in this legislation, so
21 thank you for allowing me to make that point sir.

22 CHAIRMAN OBERMAN: Thank you Senator. I

1 think that's very helpful for all of us to keep in
2 mind. Are there any other Board members who have any
3 inquiries for Senator Wicker before we let him get
4 back to Senator?

5 BOARD MEMBER FUCHS: Marty I'll take up a
6 question. And again Senator Wicker many thanks for
7 being here and opening remarks on this important
8 matter. You mentioned that the passenger train
9 service would support economic growth, and I was
10 wondering if you could elaborate on the vision for
11 economic development in the region, and how the
12 service might fit in that.

13 SENATOR WICKER: Yes. You know of course
14 our casino industry on the Gulf Coast is a vitally
15 important part of our tourism industry. It was
16 devastated by Hurricane Katrina. Actually it has
17 come back stronger, and the tourism aspect of it has
18 now gone much broader than simply organized casino
19 activities. There are children's activities, there
20 are parks.

21 And so in the sense that this would
22 facilitate our tourism industry, as well as the

1 tourism industry of Mobile and certainly New Orleans,
2 this would be a huge help. Our biggest manufacturer
3 in the state with some 11,300 employees at the
4 facility alone is Huntington Ingalls Shipyard.

5 Again, this would be a wonderful way to
6 get passengers off the interstate who come from as
7 far as Louisiana and Alabama to work at that
8 manufacturing plant. And the statement could be made
9 several fold with regard to our other manufacturing.
10 So in those senses we are ready for the additional
11 economic boost that this would bring.

12 BOARD MEMBER FUCHS: Thank you.

13 CHAIRMAN OBERMAN: Thank you Senator. Any
14 other Board members have any inquiry for Senator
15 Wicker?

16 VICE CHAIRMAN PRIMUS: I just have one Mr.
17 Chairman. Senator Wicker it's good to see you again,
18 and I just have a quick question. You know the main
19 complaint from the other side is that passenger rail
20 service would hurt freight rail. I know you talked
21 about it a little bit, but can you give you know your
22 assessment as a Senator of Mississippi, of a vital

1 part of this line, why it would not?

2 SENATOR WICKER: Well first of all I don't
3 think it would hurt because freight rail and
4 passenger rail have coexisted since the beginning of
5 the Amtrak experiment, decades and decades ago.
6 And so to the extent that it has worked elsewhere in
7 the country, it will work again in the Gulf Coast,
8 although restored 16 years later than we wanted it to
9 be.

10 In addition as I pointed out to Chairman
11 Oberman, there are funds available to accommodate
12 this, and as a matter of fact I think there's some
13 relocation plans already in the works in the State of
14 Alabama that would actually work hand in glove with
15 increased freight capacity, as well as a restoration
16 of passenger rail.

17 It works nationwide, and it can work, and
18 I'm a huge supporter of our freight rail service as
19 my friends in freight, we just happen to disagree on
20 this one issue. I think in the end it can be, and
21 will be a win/win for both industries.

22 VICE CHAIR PRIMUS: Thank you.

1 CHAIRMAN OBERMAN: All right. Karen,
2 Michelle? Karen?

3 BOARD MEMBER HEDLUND: Yes. Senator I
4 just want to thank you for your strong interest in
5 this project, and the importance to all sides of the
6 issue here, and I also wanted to just thank you for
7 the courtesies that you extended to me in my recent
8 hearing, so thank you very much. Good to see you
9 again.

10 SENATOR WICKER: Thank you very much.
11 It's been a pleasure to appear before you today.

12 CHAIRMAN OBERMAN: It happy to have the
13 table. Sometimes it's fund to have the tables turned
14 Senator. So we are delighted, really delighted you
15 were able to take time to be with us, and lead off
16 this very, very important matter in front of the
17 Board. So if there are no other questions we will
18 let you go, and move on.

19 SENATOR WICKER: Thank you sir.

20 CHAIRMAN OBERMAN: Take care. Thank you
21 so much.

22 SENATOR WICKER: You're welcome.

1 CHAIRMAN OBERMAN: All right. Our next
2 witness is the Honorable Amit Bose.

3 MR. BOSE: Chairman Oberman and members of
4 the Board.

5 CHAIRMAN OBERMAN: All right. Amit is as
6 I think we all know FRA Administrator and he is part
7 of the Department of Transportation. I'm sorry Amit
8 go ahead.

9 MR. BOSE: Thanks Chairman Oberman.
10 Chairman Oberman and Members of the Board. Thank you
11 for the opportunity to appear here today. My name is
12 Amit Bose, and I am Administrator of the Federal
13 Railroad Administration, an Operating Administration
14 of the United States Department of Transportation.
15 I'm pleased to offer these remarks on behalf of the
16 DOT and FRA.

17 We appreciate the Board's consideration of
18 Amtrak's application to restart passenger service
19 along the Gulf Coast by adding two daily roundtrip
20 trains between Mobile, Alabama and New Orleans. In
21 DOT's view, the Board's decision here will have far
22 reaching implications beyond the Gulf Coast. The

1 outcome of this proceeding will be pivotal to the
2 future development of intercity passenger rail in
3 this country.

4 We believe it's imperative that the Board
5 use its authority to ensure that those railroads
6 fulfill their fundamental, statutory obligations to
7 allow the expansion and improvement of intercity
8 passenger rail services. As the Board knows, these
9 statutory obligations are at the core of the balance
10 that Congress struck when over 50 years ago it
11 created Amtrak, and relieved railroads of their
12 common carrier obligation to provide intercity
13 passenger rail service.

14 It is the American public that suffers
15 when these services are held up. Here, the Gulf
16 Coast region has been without Amtrak service for
17 nearly two decades. In this case service delayed is
18 service denied. As to our interests in this case as
19 you know, DOT is charged by statute with promoting
20 transportation policies and programs that contribute
21 to providing fast, safe, efficient, and convenient
22 transportation, consistent with the public interest.

1 DOT and FRA participated in numerous
2 proceedings before the Board involving matters of
3 rail policy affecting both passenger and freight rail
4 policy. In doing so, we have consistently
5 considered the interests of all affected parties,
6 including host railroads, shippers, Amtrak, other
7 passenger service providers and the public.

8 We have been particularly active in this
9 proceeding, filing comments with the Board at an
10 early stage to urge the Board to decide Amtrak's
11 petition on the merits, as well as a more recent
12 amicus solution providing additional routes.
13 Consistent with our previous submissions I believe it
14 is necessary at the outset to highlight the
15 importance that Congress, and the Biden Harris
16 Administration have placed on the expansion and
17 enhancement of passenger rail service in this
18 country.

19 As we explained in our previous comments
20 to the Board the 2021 passage of the Infrastructure
21 Investment and Jobs Act also known as the bipartisan
22 infrastructure law reaffirmed the importance of

1 passenger rail, and provides unprecedented funding
2 and authority to maintain, improve and expand
3 intercity passenger rail service throughout the
4 United States.

5 In total, the bipartisan infrastructure
6 law provides 58 billion dollars in dedicated advanced
7 appropriations for passenger rail. Congress also
8 re-envisioned the Federal State Partnership Grant
9 Program by among other things, expanding program
10 eligibility to projects expanding or establishing new
11 intercity passenger rail services beyond the
12 Northeast Corridor.

13 The overwhelming majority of services that
14 would benefit are those that operate over host
15 railroad owned infrastructure like the bipartisan law
16 created a new corridor identification and
17 development program to guide future intercity
18 passenger rail developments throughout the country.

19 The law also calls on FRA to complete a
20 major study to evaluate the restoration of daily
21 Amtrak long distance services that have been
22 discontinued, or that occur on a non-daily basis,

1 all of which operated over infrastructure owned by
2 host railroads.

3 The bipartisan infrastructure law's
4 expansive vision for intercity passenger rail
5 development rests largely on the ability to
6 introduce, improve and restore passenger rail
7 services that operate over host railroads. Without
8 that ability Congress's vision cannot become
9 reality. The host railroads here, CSX and Norfolk
10 Southern have argued that Amtrak's two regularly
11 scheduled daily roundtrip trains will not
12 unreasonably impair freight transportation, but will
13 cause near catastrophic consequences at least without
14 over 400 million dollars in additional capital
15 improvements to their infrastructure.

16 I would like to take this opportunity to
17 highlight some key points for you. We respectfully
18 ask the Board to take these points into account
19 establishing a framework to govern cases of this
20 kind, which will embody Congress's intent, and we
21 hope will help encourage cooperative solutions in
22 future cases.

1 First, in DOT's view host railroads in this
2 proceeding have not met the statutorily mandated
3 burden demonstrating that reintroducing Gulf Coast
4 passenger service would unreasonably impair freight
5 transportation. As the Board is directed to
6 consider in conducting a hearing under the governing
7 Statute 49 USC 24308(e), the concept of impair
8 unreasonably must be a meaningful one.

9 Neither this language, nor the other terms
10 of Section 24308 indicate that Congress intended for
11 passenger rail service to simply accommodate freight
12 railroad operations or growth plans for freight
13 service. That approach turns the statute on its
14 head. Congress established a preference for
15 passenger rail operations over host railroad lines.
16 In that passenger rail service the presumption is in
17 fact that passenger service will operate. This
18 case involving the proposed addition of two daily
19 roundtrip trains helps illustrate the point.

20 The Board's decision should ensure that
21 freight railroads cannot effectively crowd out
22 passenger service by claiming that it conflicts with

1 their existing or planned railroad operations. That
2 is not what was meant by unreasonable impairment.

3 Second, the host railroads have not
4 presented a transparent analysis of what if any
5 challenges may arise from Amtrak's proposed
6 operation. In doing so they've deprived the Board of
7 a clear eyed view of railroad operations. DOT
8 believes that any operations analysis used to assess
9 the operational effects of changes to intercity
10 passenger rail services, or which is used to identify
11 capital improvements required to support such
12 changes, must be conducted in an appropriately
13 transparent manner.

14 Transparency is a basic prerequisite to
15 meaningful collaboration between Amtrak and host
16 railroads. Transparency is also essential given that
17 host railroads here have called for costly capital
18 improvements as a prerequisite to adding Amtrak
19 trains, and such improvements would likely be
20 publicly funded. The public has a right to know why
21 such improvements are being made. They are
22 necessary. How much they cost, and what other

1 options may have been considered.

2 In DOT's view, these considerations are
3 even more pronounced in cases like this one where the
4 publicly funded capital improvements would be made to
5 privately owned and controlled infrastructure.

6 Third, while the Board should give
7 appropriate confidentiality protection to
8 proprietary commercial information regarding the
9 railroad's operations and customers, in FRA's view,
10 the operational analysis can be conducted based on
11 information that steers well clear of data that would
12 compromise the commercial interests of either host
13 railroads, or shippers. In fact, railroads in the
14 past have voluntarily participated in collaborative,
15 passenger rail efforts with FRA and Amtrak involved,
16 both sharing both these same types of information,
17 and their publication and public reports to Congress.

18 FRA believes that it would be beneficial
19 for the Board to clearly establish the need for
20 transparency in operations analysis undertaken as
21 part of passenger rail development efforts, and to
22 address the types of information that would need to

1 be openly shared to achieve that required
2 transparency. These types of information are
3 captured succinctly in the August 3, 2020, letter sent
4 by Amtrak to the host railroads in which Amtrak
5 addresses the minimum data requirements associated
6 with FRA's grant that funded the 2020 Gulf Coast RTC
7 study.

8 FRA stands ready to assist the Board in
9 determining the types of information that would need
10 to be shared from our perspective as the federal
11 agency that would likely provide funding for capital
12 improvements that may be identified as necessary to
13 support a change in passenger rail operations over a
14 host railroad.

15 Finally, DOT appreciates the Board's
16 willingness to act expeditiously in this case as
17 reaching a prompt resolution is in the interest of
18 the public. DOT is concerned with the vitality of
19 the rail network as a whole, both freight and
20 passenger service are critically important, and we
21 have no interest in undermining freight operations,
22 or impeding the efficient movement of goods.

1 Quite to the contrary, we are taking
2 numerous steps to help improve supply chains and
3 fluidity throughout America's rail network, and other
4 modes of transportation. However, the people of the
5 Gulf Coast have been without Amtrak service since
6 Hurricane Katrina. That is too long. Should the
7 Board grant Amtrak's application DOT and FRA remain
8 committed to assisting the Board and the parties to
9 make the requested passenger service a reality. FRA
10 would closely monitor the startup of the operation of
11 the passenger service, and we are fully prepared to
12 both provide technical assistance should any
13 operational challenges arise, and to report
14 regularly to the Board on the status of these
15 efforts.

16 On behalf of the Department of
17 Transportation and the Federal Railroad
18 Administration thank you again for the opportunity
19 to address the Board and for your consideration of
20 our submissions in this important proceeding.

21 CHAIRMAN OBERMAN: Amit thank you very
22 much for that very thorough presentation. Are there

1 any questions for Amit before we let him get back to
2 running a department that he's supposed to be? All
3 right. Thank you much Amit. Much appreciated.

4 MR. BOSE: Thank you.

5 CHAIRMAN OBERMAN: All right. At this
6 point I am going to call up Panel 1, which consists
7 of the Honorable Mac McCutcheon and the Honorable
8 Chris Elliott, Honorable David Sessions, Honorable
9 Chip Brown, and the Honorable Shane Stringer. And
10 if Speaker McCutcheon is available he can begin.

11 REPRESENTATIVE MCCUTCHEON: Thank you
12 Chairman Oberman. Can you hear me?

13 CHAIRMAN OBERMAN: I can hear you loud and
14 clear.

15 REPRESENTATIVE MCCUTCHEON: All right.
16 Thank you and the members for the opportunity to be
17 able to speak to you today. We are in session here
18 in Alabama, and we send you a warm Alabama welcome.
19 Thank you for the opportunity to speak on this issue.
20 Of course as I said my name is Mac McCutcheon. I am
21 Speaker of the House for the Alabama House of
22 Representatives, and as Speaker in the Alabama House

1 of Representatives we have worked very hard over the
2 years to improve our economy so that we create an
3 environment where people can live, work and do
4 business.

5 The work is not always straightforward,
6 and those of us elected to office have an obligation
7 to review the facts and consider all sides of the
8 debate as we help our state move forward. An issue
9 today is Amtrak's effort to add passenger rail
10 between Mobile and New Orleans, and let me just say a
11 personal note, I have been on Amtrak with my family.
12 We enjoy traveling by Amtrak.

13 We have a service that runs now from
14 Birmingham to New Orleans, but some of my concerns is
15 not necessarily against Amtrak, but it's for the
16 infrastructure that Amtrak will be using in this
17 route from Mobile to New Orleans. My opposition is
18 rooted in four primary concerns. The first concern
19 is I believe that the additional traffic that will be
20 created by these passenger trains will have a
21 significant negative impact on the existing freight
22 rail service upon which our state economy depends.

1 Second, I do not believe that the process
2 to date has been thoroughly and fully understood to
3 the impact of the Port of Mobile to freight rail, and
4 to identify necessary, excuse me, infrastructure to
5 address that impact. And third, and related to the
6 process, I am concerned about the long-term cost that
7 our state could be on the hook for with this current
8 proposal.

9 And lastly, I do not believe that this is
10 the right time to voluntarily introduce dynamics that
11 threaten to add to a serious supply chain which
12 challenges our country now. On the question of the
13 impact on existing freight rail my position is
14 simple. What else we do we should do no harm. This
15 is the same principle that guides medical
16 professionals and countless other well-meaning public
17 servants.

18 Whatever our ambitions or our biases, one
19 of our primary roles is to ensure that no steps we
20 take create problems where problems did previously
21 exist, or problems didn't previously exist.
22 Alabama's freight railroads are among the best in the

1 nation, exemplary service they provide and have
2 helped to attract some of the world's largest
3 companies to Alabama. And to day to day work they do
4 move freight from this point of origin.

5 As you know in the Port of Mobile we've
6 been working very hard to widen the channel, to allow
7 more access for larger ships, our business is booming
8 there in the port, and because of that the rail
9 service and the infrastructure for that rail service
10 is put in a situation where there is a lot of goods
11 moving back and forth, and we want to make sure that
12 that rail service and that infrastructure supporting
13 it is satisfactory.

14 Amtrak wants to run its passenger service
15 on the same rail lines that serve the Port of Mobile.
16 This will slow down service, create bottlenecks, and
17 undermine the foundation that has been so important
18 not to just our state, but to private companies that
19 have selected Alabama as their base of operation over
20 the years, especially with the imports that will be
21 coming in through our port.

22 Regarding the rigor of the process today I

1 believe that a shift to something as fundamental as
2 our interconnected transportation infrastructure
3 deserves the highest possible level of scrutiny.
4 There again let's make sure that we have all the
5 facts, and we have done our planning, and there are
6 funds available to provide the infrastructure needed
7 to add this service.

8 Any decision made must be backed by
9 evidence, and I do not believe Amtrak has been
10 sufficiently and thorough in the modeling of the
11 simulation needed to understand the impact of its
12 additional rail service on the freight rail.

13 Moreover, I believe more study is needed
14 to determine whether there is enough consumer demand
15 to justify the service. Assumptions may be made
16 utilizing in the past have almost certainly been
17 impacted by factors as declining ridership amid the
18 pandemic, and such must be updated to reflect the new
19 environment.

20 We have seen this with the service that we
21 have now through the Birmingham, New Orleans route.
22 Additionally, this service that Amtrak is proposing

1 would create a new state supported passenger route
2 which we would be on the hook for financially and
3 support. Our state has told Amtrak that unless there
4 is federal funding made available to build out the
5 infrastructure necessary to minimize the impacts of
6 our port, and the businesses that rely on them, the
7 State of Alabama is not willing to proceed.

8 Unfortunately, those concerns have yet to
9 be fully resolved, and remain among the items that
10 need to be settled before we can discuss supporting
11 this proposal. Finally it strikes me as undeniable
12 that whatever your interest in passenger rail now is
13 simply not the time to proceed. The nation's supply
14 chain is facing fundamental challenges to a degree
15 that we have not seen in decades. Those challenges
16 are throughout the economy, adding to the very real
17 pressures created by inflation and other economic
18 stressors.

19 Charging forward with a new passenger
20 service before, and I emphasize this, before we have
21 addressed all the items that need to be talked about,
22 I feel like it's short-sighted. The good news is

1 that we have time to get this right, or at least
2 should be. Any immediate urgency in expanding the
3 passenger service needs to be fully vetted.

4 I ask the Board to recognize this fact,
5 and to take time. We have to build a more detailed
6 understanding of what we stand to gain. And again
7 Mr. Chairman, thank you for allowing me to speak and
8 share some of my concerns.

9 CHAIRMAN OBERMAN: Thank you Mr. Speaker.
10 Two things. First of all I really appreciate that
11 Alabama warm welcome for those of us sitting here in
12 Chicago.

13 REPRESENTATIVE MCCUTCHEON: Yes sir, yes
14 sir.

15 CHAIRMAN OBERMAN: Just one question.
16 Right in the early part of your remarks, and I don't
17 think I caught it, you said something that you were
18 concerned about there hadn't been transparency, or
19 openness to the port, something along those lines.
20 Could you elaborate on what you were concerned about
21 there at the beginning?

22 REPRESENTATIVE MCCUTCHEON: Sure, sure.

1 It was the infrastructure and the growth of the port.
2 The fact that we had been working to open up the
3 port. My concern is not so much transparency, I feel
4 like this Board has a responsibility and from what I
5 understand about the Board you've got some good
6 members there that will do their homework.

7 But I want to make sure that we understand
8 with the industry that we have here in Alabama, the
9 expansion of the port, let's make sure that we pay
10 attention to that and look at all of the facts on the
11 table. I'm not an expert in the railway system, but
12 I have done a little bit of homework in talking with
13 the railway systems knowing what we're trying to
14 bring in through imports and exports that we have in
15 the state, and I know right now that our existing
16 railway system is under stress.

17 We do not have adequate railway system to
18 take on the new growth that we're going to
19 experience.

20 CHAIRMAN OBERMAN: I just I wanted to be
21 clear because I would be concerned if somehow the
22 port did not feel that it was -- and we'll hear from

1 the port of course.

2 REPRESENTATIVE MCCUTCHEN: Yes.

3 CHAIRMAN OBERMAN: That access to us and
4 to the process as you probably know, we granted the
5 port's motion for leave to intervene as a party, and
6 they will have the opportunity to present evidence.

7 REPRESENTATIVE MCCUTCHEN: Yes.

8 CHAIRMAN OBERMAN: I wanted to make sure
9 that there wasn't any shortage in that area. Perhaps
10 I just misheard the way you said it, so thank you
11 very much.

12 REPRESENTATIVE MCCUTCHEN: Yes sir.

13 CHAIRMAN OBERMAN: All right, any other
14 questions, Karen?

15 BOARD MEMBER HEDLUND: Mr. Speaker I have
16 a question. You talked about the importance of the
17 future growth of the Port of Mobile. Is it your
18 position that Amtrak and its funding partners should
19 pay not only for any additional infrastructure that
20 may be needed to accommodate traffic today going in
21 and out of the port, but that they rather the
22 railroads -- the host railroads should pay for

1 infrastructure that is needed in the future to
2 accommodate the growth?

3 REPRESENTATIVE MCCUTCHEON: Yes ma'am.

4 And I think at the end of the day it's that when we
5 look at the overall infrastructure. Let's just go to
6 the platforms of the service for customers. There's
7 got to be a lot of work done on just the platform,
8 and the passenger service to get on and off of the
9 trains, plus the fact that when it comes to the
10 funding I want to make sure that this Board has
11 looked at all areas of funding, and that it doesn't
12 fall on the shoulders of either the state, or the
13 railroads, and/or Amtrak to include Amtrak.

14 But we have taken a deep dive in that
15 funding, and make sure that we're not just trying to
16 push something through that's not adequately funded
17 from all levels.

18 BOARD MEMBER HEDLUND: Thank you.

19 REPRESENTATIVE MCCUTCHEON: Yes ma'am.

20 CHAIRMAN OBERMAN: Thank you Mr. Speaker.

21 Any other questions for the Speaker? All right sir.

22 Thank you much for taking the time to talk to us, and

1 share your views. Keep tuned.

2 REPRESENTATIVE MCCUTCHEON: All right.

3 Thank you all so much, and if you get too cold up
4 there just come on down to Alabama, we'd be glad to have you.

5 CHAIRMAN OBERMAN: I'm on my way.

6 REPRESENTATIVE MCCUTCHEON: Thank you.

7 CHAIRMAN OBERMAN: All right. Senator
8 Elliott?

9 SENATOR ELLIOTT: Good morning Mr.
10 Chairman. Thank you Chairman Oberman and Members of
11 the Board for allowing me to appear before you today.
12 I'll also extend the Speaker's warm Alabama welcome
13 to you and the Board from the Gulf Coast of Alabama.

14 As you mentioned my name is Chris Elliott,
15 and I am proud to represent the people of Baldwin
16 County in the Alabama State Senate. Before serving
17 in my current position I was the Chairman of the
18 Baldwin County Commission, and the Chairman of the
19 Eastern Shore Metropolitan Planning Organization,
20 representing the fastest growing county in the State
21 of Alabama.

22 My service requires continued attention to

1 transportation issues affecting mobility for my
2 constituents, and I am a proud lifelong resident of
3 the area, having been born and raised in both Mobile
4 and Baldwin County. It is my role as both an elected
5 official, and longtime resident of the region that I
6 am here today to voice my concerns about Amtrak's
7 proposal to return passenger rail service to the Gulf
8 Coast.

9 I take seriously my responsibility to do
10 what is best for my community. This includes taking
11 a stand against those who may threaten the future and
12 prosperity of Baldwin County and communities across
13 the state. In the midst of pandemic recovery and the
14 ongoing supply chain concerns resulting from it, we
15 cannot afford to let this proposal, as currently
16 situated, with no additional infrastructure updates
17 proposed to move forward.

18 To do so would be in my opinion
19 short-sighted and reckless. It is crucial that the
20 State of Alabama in concert with our federal partners
21 undertake public works projects that will have a
22 positive and balanced impact on Alabama residents,

1 not projects that pick certain economic sectors of
2 the state to reap supposed benefits while wreaking havoc
3 on other sectors.

4 While Amtrak has been quick to highlight
5 the stops along the Gulf Coast that may see some
6 increased tourist traffic, their proposal is intent
7 on overlooking the impact to freight rail, and
8 specifically to the Port of Mobile, along with the
9 resulting increased congestion and blocked crossings
10 for those communities along the route.

11 We must take into consideration the
12 negative long-term impact this proposed new service
13 will have on millions of Alabama and Gulf Coast
14 citizens, more than Amtrak's estimated 38,000 riders
15 annually.

16 Additionally, with supply chain issues
17 still looming over us due to the pandemic, bringing
18 in new passenger rail service without making the
19 needed infrastructure investments to support it,
20 will most certainly create further disruption. We
21 cannot just ignore those whose lives and livelihood
22 will be affected by this development.

1 Front and center for those that would
2 likely be adversely impacted by this passenger rail
3 proposal are the companies and industries that rely
4 on rail networks and the Port of Mobile. Increasing
5 congestion in and around the port which serves as a
6 significant economic driver for our region in the
7 name of providing Amtrak service for a small number
8 of passengers is a very clear example of the costs
9 not aligning with the expected benefits.

10 Further, it isn't just the short-term
11 costs that need to be examined, but I echo the public
12 comments of Mobile City Councilman Joel Daves, who
13 has pointed out the unknown costs for local
14 governments, and the state when the initial federal
15 grants for passenger rail expire. Current federal
16 cost-sharing models, and the passenger rail
17 experience elsewhere in the country point to the
18 reality that the taxpayers are looking at a sizeable
19 bill down the line for passenger rail.

20 We've been told that there is a federal
21 funding stream for the first three years, but there
22 are no federal funds that have been committed after

1 that. Going forward our state and local governments
2 no doubt will be on the hook for millions just to
3 keep the service operating, and as the Speaker just
4 indicated, both the City of Mobile, and the State of
5 Alabama have not committed funding for this service.

6 As a public servant I will always
7 prioritize the wise use of taxpayers' dollars, the
8 questions I continue to ask myself are is this
9 beneficial enough as a whole to Alabama? After the
10 grant money for this project is drained, what are the
11 financial commitments Alabama is going to be on the
12 hook to cover? Is it critical -- it is critical
13 rather, that we consider the notion that there are
14 other areas where taxpayer dollars would be better
15 spent, where communities would actually reap
16 consistent and balanced benefits.

17 In speaking with you today I hope that you
18 understand that I have a state in which I was raised,
19 the people with which I grew up in my best interest.
20 After connecting with, and listening to my
21 constituents as well as experts on this issue, I am
22 confident that my sentiments expressed here today

1 reflect what is best for Baldwin County, our region,
2 and the State of Alabama. I appreciate Mr. Chairman,
3 the time to speak with you, and the opportunity to
4 speak with you and share my perspective on this
5 matter.

6 CHAIRMAN OBERMAN: Thank you very much
7 Senator. I just would like to be clear. You
8 indicated early that you were opposed to the
9 passenger service without the expenditures for the
10 necessary infrastructure. If the infrastructure were
11 to be funded, if whatever amount is needed, would
12 that satisfy your concern?

13 SENATOR ELLIOT: It would allay some of my
14 concerns, but I will go back to some of the questions
15 and comments you had to earlier panelists, and that
16 is to make sure that we are discussing not only the
17 infrastructure for Amtrak that may be required, but
18 also for the negative impacts that may be visited on
19 freight rail, and also the Port of Mobile.

20 CHAIRMAN OBERMAN: And I was a little
21 unclear, and not familiar with the point you made
22 about grant money expiring in three years. Are you

1 referring to potential grant funds for
2 infrastructure improvements expiring, or what were you
3 referring to?

4 SENATOR ELLIOTT: My understanding in the
5 initial phases of this proposal was that the state
6 was asked to participate in an initial three year
7 program that was provided funding for this program,
8 but then after that that there was no committed
9 federal funding, or funding source to the ongoing
10 program itself.

11 CHAIRMAN OBERMAN: And is that grant money
12 for the studying and building of infrastructure, or
13 for operations to your understanding?

14 SENATOR ELLIOTT: Well for operations Mr.
15 Chairman.

16 CHAIRMAN OBERMAN: Okay. I just wanted to
17 be clear. I wasn't sure I was following there, but
18 that's very helpful. All right. Well thank you very
19 much Senator. Are there any questions from any of
20 the Board members? All right. Hearing none I will
21 let you go. Much appreciate you. Actually we do ask
22 the panels if you can to stay with us, but if you

1 have to go back to legislating, you won't offend us.

2 Thank you very much.

3 Senator Sessions. I wasn't sure if
4 Senator Sessions was here yet. And if he is not able
5 to be here now, we will certainly try to accommodate
6 him later. Representative Brown?

7 REPRESENTATIVE BROWN: All right there we
8 go.

9 CHAIRMAN OBERMAN: There you are sir.
10 Okay. Welcome.

11 REPRESENTATIVE BROWN: Thank you Chairman
12 Oberman, Members of the Board. I am Chip Brown. I
13 proudly represent Alabama's 105th District in the
14 Alabama State House of Representatives. During my
15 time in the legislature, a majority of which took
16 place during the pandemic, I have done my best to
17 continue to connect with the community, and engage
18 with the constituents.

19 During this time I've seen the impact the
20 pandemic has had on the physical and financial health
21 of the community, and in particular how many of our
22 local business owners continue to struggle because of

1 the pandemic with the supply chain concerns that have
2 resulted due to the global disruption.

3 I'm here today as both an elected
4 representative, and a concerned Alabamian to voice my
5 concerns about Amtrak's current proposal to bring
6 passenger rail service back to the Gulf Coast. Let
7 me be clear at the outset. I'm not opposed to
8 passenger rail. I understand the benefits it can
9 bring to a region if done correctly, however, I feel
10 that Amtrak's current proposal to reinstitute
11 passenger service from New Orleans to Mobile will
12 only exacerbate many of the challenges we face,
13 particularly with the supply chain as we recover from
14 the pandemic.

15 I know those listening today are not
16 unfamiliar with the impacts supply chain distress has
17 had across the country. It certainly hasn't been
18 easy, and it's something we are all still digging out
19 of. I'm concerned about the Amtrak proposal could
20 exacerbate this challenge, particularly for the Port
21 of Mobile.

22 The port plays an integral part in

1 Alabama's economic growth, contributing more than
2 160,000 jobs, and 25 billion dollars to the local
3 economy. Similar to other ports across the country
4 the Port of Mobile is dealing with amped up
5 congestion, and other challenges that jeopardize its
6 role as one of the most impactful and fastest growing
7 ports.

8 If Amtrak's service line is approved as
9 proposed, shipping challenges already occurring at
10 the port will worsen when shippers livelihoods are
11 threatened by Amtrak's likely disruptions to the
12 port. I'm concerned that in today's highly
13 competitive global marketplace they may look at
14 taking their business to competing ports, stifling
15 economic growth in our region, and Alabama cannot
16 afford to lose jobs, especially as we push through
17 the beginning stages of pandemic recovery.

18 I, along with many of my constituents in
19 House District 105, don't see any reason to rush into
20 a service project of this scale, especially when the
21 degree of disruption of financial burden required
22 from the state remains unknown. The passenger rail

1 service should be planned and constructed in a way
2 that doesn't disrupt Alabama's recovering economy.

3 However, in the proposal to date it seems
4 that Amtrak has unfortunately not yet proven that
5 this is possible. Because I'm a supporter of
6 passenger rail, it's disappointing to me that
7 Amtrak does not seem to appreciate the effect the
8 proposal could have on shippers, the Port of Mobile,
9 and ultimately the surrounding region.

10 I would not be doing my job if I did not
11 call on you today to consider the impacts of Amtrak's
12 proposal from my perspective. Alabama residents,
13 employers such as the port, should not be forced to
14 deal with the negative impacts of Amtrak's current
15 proposal. I'm hopeful that Amtrak will come around
16 and realize that more needs to be done to make this
17 proposal workable for all parties.

18 As I said, I'm a fan of Amtrak. I've
19 ridden the Amtrak multiple times. I enjoy passenger
20 rail. I would like to bring passenger rail back to
21 the Gulf Coast, but I think this proposal at the
22 current time needs to go back to the table and be

1 worked on. Thank you for allowing me the time to
2 speak with you today on an issue that's important to
3 me, and the people I represent here in South Mobile
4 County, and the State of Alabama.

5 CHAIRMAN OBERMAN: Thank you very much
6 Representative Brown, appreciate your taking time to
7 be with us. Are there any questions for
8 Representative Brown? All righty. Thank you very
9 much sir.

10 REPRESENTATIVE BROWN: Yes sir thank you.
11 You all have a good day.

12 CHAIRMAN OBERMAN: You too. And finally
13 Representative Stringer. Is Representative Stringer
14 with us? All right. Well let me ask again if --

15 VICE CHAIRMAN PRIMUS: Marty he appears to
16 be there, but I think his -- I don't know if his
17 sound, I can see him.

18 CHAIRMAN OBERMAN: You're better at
19 figuring this out than I am Robert. Representative
20 Stringer are you trying to join here?

21 VICE CHAIRMAN PRIMUS: I see him shaking
22 his head. There must be some audio issues.

1 CHAIRMAN OBERMAN: All right. I can't see
2 him on my screen. I do not see him. Can you
3 Representative Stringer if you are with us, can you
4 send us a chat message to tell us where you are?

5 Okay. Senator, Representative Stringer let me make a
6 suggestion that if you can -- I can see you there.
7 If you can hear us would you nod your head?

8 You can, but we can't hear you. Uh-huh.
9 Let me make a suggestion to you Representative, that
10 if you could figure out how to get your audio going,
11 and let us know then we'll call you when you're
12 available, because I'd certainly like to give you the
13 opportunity to be heard. Is that okay?

14 All right. And that will allow us to move
15 on. I'm going to ask one more time to see if Senator
16 Sessions has been able to join us. And I don't hear
17 anything in that regard, so I'm going to terminate,
18 or temporarily suspend this panel until we can get
19 Representative Stringer back, and we're going to move
20 on to the Panel Number 2, which is a number of local
21 elected officials in the area, and that consists of
22 Jimmy Rafferty, Mayor of Pass Christian, City

1 Councilman Kyle Lewis from Bay St. Louis. I have
2 always a fondness in my heart for City Councilmen.

3 Paige Cognetti, the Mayor of Scranton,
4 Pennsylvania, Linda Pitt, Mayor of Village of
5 Crestline, and Satya Rhodes-Conway, Mayor of Madison,
6 Wisconsin. Once that panel is ready we will start
7 with Mayor Rafferty from Pass Christian. No? I hope
8 we aren't having another audio glitch here. Mayor
9 Rafferty are you there?

10 IT TECH PERSON: He is not here Marty.

11 CHAIRMAN OBERMAN: He is not here. All
12 right. Can we then move on to Kyle Lewis from the
13 City of Bay St. Louis? And any of the folks who are
14 not able somehow to join now, we will try to
15 accommodate all of them if they can be contacted
16 later because they all indicated an interest in
17 speaking.

18 IT TECH PERSON: Marty the next one that's
19 here is Paige.

20 CHAIRMAN OBERMAN: All right. Then we
21 will move to Scranton, Pennsylvania. There she is.

22 MAYOR COGNETTI: All right, good morning.

1

2

CHAIRMAN OBERMAN: We are certainly
honored that you came all the way from Scranton to
Mississippi to talk to us virtually.

5

MAYOR COGNETTI: Yeah it was great, it was
a short flight.

7

CHAIRMAN OBERMAN: Thank you Mayor.

8

MAYOR COGNETTI: Thank you. Yes so nice
to be with all of you. I am Paige Cagnetti. I am
the Mayor of Scranton, Pennsylvania. Scranton was
built on rail in the 19th Century. We manufactured T
rails for America's railroads, and powered the
nation by shipping anthracite coal on those rail
networks. I'd like to also add that my house here
that I'm in, we are on an old coal mine. We are
built literally on coal mines here in Scranton, and
we powered the nation through that coal on the rails
that we built here.

19

So I'm not actually originally from here.
I'm from Portland, Oregon. As kids we loved taking
Amtrak to Seattle which was the next major metro
area. And in 2005, in fact, just days before

1 Hurricane Katrina I moved to Washington, D.C. I
2 loved the access from D.C. to all of the other major
3 cities in the Northeast.

4 For years I lived in D.C., Philly, New
5 York, and Boston and traveled between. And in 2016,
6 when I moved to Scranton to finally settle down with
7 my now husband, I have missed that rail access, and
8 I'm sure the people of New Orleans and Mobile miss
9 their rail access as well.

10 Scranton is only 100 miles from New York
11 and Philadelphia, but we've struggled to connect our
12 economies more fully since our passenger rail link
13 was cut in 1970. We're built on rail, but ironically
14 we spent the last 50 years, half a century, trying to
15 get our passenger rail back.

16 We know in Scranton that passenger rail
17 opens opportunities, and it connects economies. Here
18 in Scranton we have a lower cost of living. We have
19 ski resorts just 10 minutes from our downtown. Right
20 here in Scranton we have five colleges and
21 universities that offer diverse degrees. And we've
22 seen in these last two years that people desire to

1 live in a community like ours.

2 They've moved from Philly, or New York and
3 New Jersey to come to a community like Scranton. But
4 in order to continue this migration and continue to
5 connect these economies and build opportunity, we
6 need to maintain those transportation options to the
7 major metropolitan areas.

8 Passenger rail is about opportunity for
9 regional economies. It's about families looking for
10 a higher quality of life, it's about building a
11 sustainable infrastructure for the future. We'll
12 keep fighting here in Northeastern Pennsylvania to
13 re-establish our own passenger rail corridor to New
14 York, and we'll stand up for other communities that
15 need to get their lines back up as well.

16 Hurricane Katrina, and for me that was
17 when I moved to the east coast. It feels like
18 yesterday. And here in Scranton in 1970 doesn't feel
19 very far away at all. But time does fly by, as does
20 opportunity for generations of Americans. We need to
21 connect, not disconnect, and I urge the restoration
22 of passenger rail service to the Gulf Coast now, so

1 that those communities aren't fighting for a half a
2 century to get their economies and their opportunity
3 back up and running. Thank you for having me.

4 CHAIRMAN OBERMAN: Thank you very much
5 Madam Mayor, I appreciate you taking the time.

6 MAYOR COGNETTI: Thank you.

7 CHAIRMAN OBERMAN: And I understand that
8 Mayor Pitt may not have been able to be with us yet.
9 Is Mayor Pitt here?

10 IT TECH PERSON: No she isn't.

11 CHAIRMAN OBERMAN: All right. And finally
12 Mayor Rhodes-Conway from Madison, Wisconsin, a city
13 near and dear to my heart since I once went to law
14 school there, is Mayor Rhodes-Conway there? I would
15 also say near and dear to Patrick's heart, since he
16 got his education there. Mayor Rhodes-Conway?

17 MAYOR RHODES-CONWAY: Good morning
18 everyone.

19 CHAIRMAN OBERMAN: There you are welcome.

20 MAYOR RHODES-CONWAY: Thank you for
21 bearing with the technology.

22 CHAIRMAN OBERMAN: Not a problem. We're

1 all struggling.

2 MAYOR RHODES-CONWAY: Thank you all for
3 making the technology possible. I really appreciate
4 it. I appreciate the opportunity to speak to you
5 today, and let me start by thanking you all for your
6 service. My name is Satya Rhodes-Conway. I'm the
7 Mayor of Madison, Wisconsin, and I'm here today to
8 advocate for greater passenger rail service to all of
9 America's cities.

10 The Surface Transportation Board's
11 decision on whether service can be restored on the
12 Sunset limited line will have profound impacts -- not
13 just in the southeast, but on communities throughout
14 the country. The result of this decision will set
15 precedent, determining whether or not freight
16 operators have the right to refuse passenger rail
17 service. And a bad decision in this case could make
18 it impossible to bring passenger rail to Madison,
19 which is why I'm here today.

20 One of the rationales outlined for the
21 reduction of the Sunset limited service that is that
22 the service would "unreasonably impair" freight

1 operations. Now believe me, I understand the
2 importance of freight rail networks, especially now,
3 at a time when supply chain issues and tracking
4 shortages are plaguing our economy.

5 And yet the importance of investing in
6 passenger rail, a greener connective tissue, linking
7 cities across the nation cannot be ignored. This
8 vision can only truly be achieved by ensuring that
9 Amtrak has access to freight rail lines, as outlined
10 in laws that are already on the books.

11 For communities like Madison, the ability
12 to establish passenger service could be unreasonably
13 impaired if freight operators are given the broad
14 ability to block passenger rail implementation.
15 Further, granting this ability would directly
16 undermine Amtrak's right to use any rail line in the
17 U.S., which was specifically granted when Amtrak was
18 created to relieve freight operators of their
19 obligation to provide passenger service.

20 Madison, like many other communities
21 across the country, currently lacks passenger rail
22 access. Our closest station is over 30 miles away,

1 this discourages travelers from using rail, and
2 increases individual automobile use at a time when
3 the nation and our city are working diligently to
4 reduce greenhouse gas emissions and fight climate
5 change.

6 In an effort to bring passenger rail
7 service directly to the city, Madison recently
8 obligated funding to plan for passenger rail service
9 implementation. The demand for this service is
10 prevalent in Madison. Residents, our neighboring
11 cities, and the many people who visit Madison for
12 business, government, and leisure travel, all would
13 benefit from direct Amtrak service to Madison. And I
14 have to say there's been some coverage in the media
15 recently about the prospect of Amtrak coming to
16 Madison.

17 People literally stop me on the street and
18 tell me how excited they are that we might get
19 passenger rail here in Madison. And we are in the
20 Amtrak Connect US vision. However, our ability to
21 implement Amtrak service here could be imperiled by
22 the precedent set in this decision.

1 I'm sure you all know that historic
2 amounts of funding have been allocated for passenger
3 rail service and related infrastructure investments.
4 The bipartisan infrastructure law provides billions
5 of dollars in funding for rail planning, capital
6 improvements and service expansion.

7 Here in Madison we're working to leverage
8 the federal funding that's available now for new
9 Amtrak service, which will not only provide the
10 foundation for passenger service, but significantly
11 improve the safety and efficiency of freight
12 operations in our region.

13 We anticipate, if our efforts are
14 successful, that we would be able to do things like
15 targeted double tracking for passing, refurbishment
16 or replacement of deficient bridge structures between
17 Milwaukee and Madison, improvements to curved
18 radii and slopes of existing track to improve speed
19 and safety of operation, and improvements to rail
20 crossings, helping to protect rail operators and
21 riders, pedestrians, bikers, and autos.

22 But we can only realize these improvements

1 and gain passenger service in our city if Amtrak is
2 allowed to operate on freight rail corridors.
3 Rejecting Amtrak's request to establish the Sunset
4 limited line will set a precedent that freight rail
5 operators can reject passenger rail on their
6 corridors. Please do not set that precedent today.

7 For the future of our environment, our
8 economy, and our communities, please uphold Amtrak's
9 ability to operate passenger rail service on any
10 freight corridor. Thank you again for your service
11 and your time today, thank you for making remote
12 testimony possible, and thank you for listening to my
13 words.

14 CHAIRMAN OBERMAN: Mayor thank you very
15 much for that very thoughtful presentation. Are
16 there any questions from any of the Board members?
17 Thank you very much. I will only close that having
18 spent three of my best years there I understand what
19 you're saying, and what Patrick and I and you will
20 all understand is you should go out and have a Plaza
21 burger on us.

22 MAYOR RHODES-CONWAY: Well thank you very

1 much. I will do just that.

2 CHAIRMAN OBERMAN: All right. Take care.

3 So we are now moving to the next panel. And --

4 MAYOR RAFFERTY: Excuse me one thing, this
5 is Mayor Jimmy Rafferty from Pass Christian on the
6 Mississippi Gulf Coast.

7 CHAIRMAN OBERMAN: Oh you're with us oh.

8 MAYOR RAFFERTY: Yes my apologies. I was
9 frozen off a little earlier.

10 CHAIRMAN OBERMAN: Oh, no, no, I'm glad
11 you're here. Mayor Rafferty go for it.

12 MAYOR RAFFERTY: Great thank you. Well
13 I'm Mayor of Pass Christian, which is right on the
14 Mississippi Gulf Coast, and I wanted to let everyone
15 know that I'm fully supportive of the Amtrak service
16 from New Orleans to Mobile. The extension of this
17 passenger rail service between these two cities will
18 mean a lot to the Mississippi Gulf Coast, and a lot
19 to the City of Pass Christian.

20 When I was young they had a train station
21 here in Pass Christian, and I used to ride the train
22 to New Orleans, and that meant a lot to this

1 community. And I think if we have this Amtrak
2 service, it will mean a lot to New Orleans, to
3 Mobile, and to every city on the Gulf Coast. And
4 just I want to thank you all for you know giving me
5 the time to be able to express my desire that
6 hopefully we can bring passenger rail service back to
7 the Mississippi Gulf Coast.

8 CHAIRMAN OBERMAN: Thank you very much
9 Mayor Rafferty. Glad you were able to join us, much
10 appreciated.

11 MAYOR RAFFERTY: Thank you.

12 CHAIRMAN OBERMAN: And I understand that
13 Mayor Pitt has now been able to join us as well from
14 the Village of Crestline, is that right?

15 MAYOR PITT: Yes it is. That is correct.
16 Welcome.

17 CHAIRMAN OBERMAN: Thank you so much.
18 Welcome.

19 MAYOR PITT: Welcome. So I'm here just to
20 talk about you know the support for Amtrak between
21 Mobile and New Orleans, and also for my little
22 village in Crestline, Ohio because mainly the

1 railroad built our town. I mean our town would not
2 exist if we did not have the railroad.

3 So you know we're very supportive of CSX,
4 Norfolk Southern, everything, but we had Amtrak at
5 one time. We were an Amtrak station, and then they
6 had to move, and now they want to come back to
7 Crestline, and I've got to tell you my citizens are
8 ecstatic. They want Amtrak back. It will help --
9 number one it will help us move all over the country.

10 We have athletic teams up in Cleveland,
11 Ohio, and the north/south corridor that they're
12 looking to build as our people in Crestline and the
13 surrounding area can just jump on the train and hit a
14 major league, whether it be basketball, baseball,
15 football, up in Cleveland, or head south and you know
16 pick up the Bengals or the Reds, and then of course
17 OSU.

18 And I've talked with people. They're
19 telling me that if the train is going from Cleveland
20 down to Cincinnati, parents can pop their kids on the
21 train to college, and then that will save them time
22 and effort. It will also -- and safety, going down

1 to their respective colleges.

2 And the traffic -- two things, the traffic
3 is congested in the big cities. And the people from
4 the rural areas really don't like to travel via a car
5 because of that, but they would gladly travel via the
6 train. The other thing is that we see here is that
7 economic development you know for mid-town, small
8 towns like my own, and we're looking at economic
9 development.

10 We're revitalizing our downtown, and we
11 have businesses coming in, and they ask us do we have
12 Adora, we say yes, do we have the Amtrak, so people
13 are looking for that Amtrak, and we already know that
14 businesses will come to Crestline for that, and that
15 will just make our region all the more stronger with
16 the economic development.

17 And so you know I'm just here to share
18 that we need Amtrak in our little town, as well as in
19 the region, and I believe I think I got that all.
20 The other thing is that with the COVID virus, a lot
21 of people are working from home, and businesses are
22 allowing their people to stay home. And because of

1 that if they have to go into the office a couple
2 times a week, they can literally board the Amtrak and
3 go to Cleveland or Columbus for that.

4 And that's another big plus for our small
5 town in Ohio. And that's all I have for you today,
6 thank you.

7 CHAIRMAN OBERMAN: Mayor thank you very
8 much. Could you tell us a little more specifically
9 where Crestline is on the map?

10 MAYOR PITT: Okay. Crestline is right in
11 between Cleveland and Columbus, really halfway, and
12 according to the route, the proposed route, it will
13 go from Cleveland, and Cleveland has two stops, one
14 being of course near all the professional arenas.
15 And then the second stop is the Cleveland airport,
16 which I really like because I work from home, and I
17 do travel. And I could just board the train and hit
18 the airport without having to worry about the 13
19 inches of snow I got last week when I flew out to
20 Miami.

21 So that would just make it a lot more
22 easier. And if you know of Mansfield, we are 15

1 miles to the west of Mansfield, and literally back in
2 1850 the cities around us did not want the
3 intersection of the north/south/east/west railroads,
4 and so the railroad took up the land, and they built
5 Crestline.

6 And so we have a rich railroad history
7 here. Did that help?

8 CHAIRMAN OBERMAN: That helps very much.
9 Thank you so much. Are there any other Board members
10 that have any questions for the Mayor? Okay. Mayor
11 Pitt thank you so much for being with us this
12 morning. Much appreciated.

13 MAYOR PITT: Thank you for having me.

14 CHAIRMAN OBERMAN: All right. And before
15 we move on to the next panel I'm wondering if
16 Councilman Lewis has been able to join us? Not yet
17 okay. We will then move on to Panel 3, which is
18 Mayor Sandy Simpson and Councilman Joel Daves. Mayor
19 Simpson I see that you're there, you're on.

20 MAYOR STIMPSON: Good morning Mr. Chairman.

21 CHAIRMAN OBERMAN: Good morning.

22 MAYOR STIMPSON: As you stated I'm Sandy

1 Stimpson, and I am the Mayor of the City of Mobile. I
2 thank you for allowing me to testify this morning.
3 As the City of Mobile's Mayor my administration is
4 focused on creating one Mobile, a safer for business
5 and family friendly city.

6 Amtrak's proposed expansion of passenger
7 rail service on the Gulf Coast has the potential to
8 advance that mission, but only if it's pursued with
9 total transparency, a close examination of potential
10 impacts to freight infrastructure, and the impact to
11 the crucial facilities like the Port of Mobile.

12 The question foremost it's essential that
13 any plan pursued by Amtrak to avoid negative impacts
14 to the Port of Mobile. The port is the economic
15 heart of our city, and this region. It supports
16 nearly 161,000 jobs, moves more than 58 million tons
17 of cargo annually, and generates close to 26.8
18 billion in annual economic output.

19 But beyond the economic impacts, the port
20 is also a vital conduit to our global supply chain,
21 playing an incredibly important role in ensuring that
22 both imported, and exported goods move smoothly from

1 the point of origin to their destination. Any action
2 that stands in the way of continued efficient and
3 productive operation of the Port of Mobile must be
4 treated with microscopic scrutiny.

5 The Port of Mobile is simply too important
6 to our city and State of Alabama, and the Gulf Coast
7 region. Today the Port of Mobile is not the same
8 port it was in 2005 when Amtrak last operated in
9 Mobile. Since then the Alabama State Port Authority,
10 the State of Alabama, private investors, and the
11 federal government have collectively invested over
12 1.4 billion in infrastructure improvements to support
13 growth at the Port of Mobile.

14 In late 2008 the container terminal
15 opened, and has posted double digit growth year over
16 year, except during the recession. In 2020 alone,
17 the marine terminal posted a 21 percent growth, the
18 cargo growth grew by 50 percent, and the container
19 rail posted 139 percent growth. Today the port
20 handles over 5 million tons of carbon or stainless
21 steel products.

22 Now by comparison in 2005 that number was

1 less than 500,000 tons. These numbers represent
2 incredible growth over the last 15 years, but pale in
3 comparison to the potential growth over the next 25,
4 as long as that growth is not impeded by rail
5 congestion.

6 Simply put, today's Port of Mobile's
7 operations are not the same as those of 2005.
8 Unfortunately, Amtrak's current proposal appears to
9 disregard these facts. Plans suggest that Amtrak
10 would move at least four passenger trains per day
11 onto mainline servicing the Port of Mobile.

12 Those four trains would be added to an
13 extraordinary, complex, and tightly managed schedule
14 of existing freight and rail traffic. Not only would
15 that lead to more congestion and delay during regular
16 operations, but freight traffic would also be
17 required by federal law to yield to passenger
18 traffic. This adds up to the potential for
19 significant, material impacts to the day to day
20 workings of the port, potentially impacting the
21 bottom line for many, many companies, and customers
22 that depend on reliable scheduling to and from the

1 port.

2 The impact of Amtrak's current proposal
3 must be modeled and understood in exacting detail to
4 ensure the infrastructure that's currently in place
5 can support this expansion. Additionally, since it
6 is expected that the existing privately owned rail
7 infrastructure will need additional investments to
8 accommodate the new passenger service, the Board
9 should be clear in ensuring that all stakeholders,
10 including Amtrak are on the same page about who will
11 bear the brunt of these costs, both today and in the
12 future.

13 Beyond the costs for Amtrak's proposal, and
14 the likely negative impact it will have on our port,
15 I would also like to stress the importance of
16 Amtrak's coordination with the City of Mobile in
17 locating a passenger station. The Mobile Port
18 Authority has included dedicated space for a new
19 passenger rail station at our Brookley Aeroplex.

20 It is the location for a passenger
21 terminal in Mobile that will cause the least
22 destruction to the port, and will help to ensure

1 connectivity with our commercial, aviation partners.
2 Not locating a passenger terminal at the Brookley
3 facility near downtown in favor of the older legacy
4 platform would not only be a missed opportunity it
5 would be a mistake.

6 The City would also like to see Amtrak
7 invest in the rail infrastructure to ensure that our
8 port and our rail cargos are not adversely affected.
9 This is a common practice of Amtrak's when accessing
10 host rail in other parts of the country. Our port
11 supports eight national and regional railroads that
12 cross or access the CSX mainline to deliver freight
13 and intermodal cargos to our seaport.

14 The City of Mobile thinks there's much
15 more work to be done to realize passenger rail in our
16 community. Many of our businesses and stakeholders
17 think it's premature for this Board to grant the
18 Amtrak petition at this time. As with any major
19 project, the key to success is open to honest
20 collaboration, like we're having today. We are proud
21 of the progress we've made in Mobile, and committed
22 to maintaining our future as a safer, more business

1 and family friendly city.

2 I look forward to engaging with Amtrak,
3 with the Surface Transportation Board, and other
4 stakeholders to ensure we arrive at an outcome that
5 will benefit all. Thank you Mr. Chairman for
6 allowing me to speak today.

7 CHAIRMAN OBERMAN: Thank you Mr. Mayor.
8 Certainly the City of Mobile needs to be heard from,
9 and we appreciate the Mayor personification of the
10 city to be here. Thank you.

11 MAYOR SITMPSON: Thank you sir.

12 CHAIRMAN OBERMAN: Are there any questions
13 for Mayor Simpson? All right. Thank you so much.

14 BOARD MEMBER HEDLUND: I have one.

15 CHAIRMAN OBERMAN: I'm sorry Karen. Karen
16 go ahead.

17 BOARD MEMBER HEDLUND: Maybe Simpson is it
18 true that if you wanted to fly from Mobile to New
19 Orleans, you have to go through Atlanta?

20 MAYOR STIMPSON: Yes ma'am. Unfortunately,
21 but that's why we're getting ready to change that.
22 We're getting ready to move the airport from the west

1 regional part of the city to downtown Mobile, and
2 when we do that we'll expand our air transportation.

3 BOARD MEMBER HEDLUND: Thank you.

4 MAYOR STIMPSON: Thank you ma'am.

5 CHAIRMAN OBERMAN: Thank you Mr. Mayor.

6 All right. A couple of points to be made. I
7 understand Councilman Daves so far has not been able
8 to join us. Let me remind everyone that if for some
9 reason you have having sound issues you can still
10 join us by telephone. That will at least allow us to
11 hear you, and if you are otherwise having technical
12 problems, if you would email us at hearings@stb.gov,
13 then our IT folks may be able to help you solve the
14 problem, or at least we'll make a stab at it.

15 But so because we do really want to hear
16 from everyone who has asked to be heard. So we are
17 running a little bit ahead of our schedule, which is
18 good because we've got a lot of people to hear from.
19 I would like to call up the next Panel 4, after which
20 I think we'll take a quick break. So that panel is
21 John Robert Smith, and then three representatives
22 from the Southern Rail Commission, Greg White, Knox

1 Ross and John Spain. And Jim Mathews also on that
2 panel.

3 So if we can proceed, John Robert are you
4 with us?

5 MR. SMITH: Yes sir I am.

6 CHAIRMAN OBERMAN: All right, go for it.

7 MR. SMITH: Good morning. Chairman
8 Oberman, Members of the Surface Transportation Board
9 and staff, thank you for allowing me time to share my
10 concerns with you today. I'm John Robert Smith. I
11 served 20 years in local government, 16 years as the
12 Mayor of my hometown of Meridian, Mississippi where
13 we built the south's first multimodal transportation
14 center, which you see behind me.

15 I know full well the positive impact that
16 passenger rail can bring to a Mayor's downtown. I
17 also served as Chairman of Amtrak's Board of
18 Directors, and I currently Chair Transportation for
19 America. It is in that capacity that I provide
20 policy advice to the Southern Rail Commission.

21 I have been a part of each meeting,
22 conversation and step taken over the past five years

1 to restore passenger rail service to our Gulf states
2 between New Orleans and Mobile, and servicing my
3 native Mississippi. The Southern Rail Commission has
4 tirelessly sought to understand the issues presented
5 to them, and to work to achieve agreement that would
6 allow both passenger rail and freight service to
7 enjoy a healthy coexistence.

8 I take no pleasure in telling you that
9 throughout the efforts to restore passenger rail
10 service CSX railroad has been neither transparent,
11 nor completely honest in dealing with the Southern
12 Rail Commission, Amtrak, or as you heard with the
13 Federal Railroad Administration.

14 CSX has withheld even the most basic
15 information about their operations from FRA and the
16 other partners. CSX has misrepresented the
17 information that they did provide, and they have
18 blamed others for their own predicted failures,
19 including the United States Coast Guard.

20 They have misplaced bridge tender logs,
21 only producing them when compelled to do so, which
22 undercut their bridge arguments, and by the way those

1 bridges are being fully automated today.

2 CSX grossly inflated their infrastructure
3 costs, providing no supporting documentation or
4 transparency to FRA, or others. And as the lack of
5 facts and misrepresentation failed them, CSX has
6 resorted to intimidation and fear to ports and
7 shippers alike, some of which you are hearing today.

8 I believe this has all been an effort by
9 CSX to kill any additional passenger rail service
10 along the Gulf by a tortuous delay. Death by delay
11 must not become the order of the day, for to do so
12 would extinguish any aspiration for expanded
13 passenger rail to connect our country and its people.
14 The Southern Rail Commission stands ready with 66
15 million dollars to invest in freight right-of-way if
16 necessary.

17 I ask you, as you examine the evidence
18 before you, that you send a strong message that it is
19 time that passenger rail become an important part of
20 America's future. That it is time to reconnect our
21 cities along the Gulf with passenger rail, and the
22 opportunities that it will bring.

1 That is time that CSX obey the law and the
2 will of the people as Congress has expressed it, and
3 allow Amtrak access to freight right-of-way, to give
4 passenger rail preference because human beings are
5 important. And to run passenger rail on time. It
6 is also time for CSX to seek only the infrastructure
7 improvements needed to facilitate this passenger
8 rail, that is the law, and the American taxpayers
9 deserve nothing less. Thank you.

10 CHAIRMAN OBERMAN: John Robert, given your
11 lengthy history I would have expected nothing less
12 than that eloquent statement about passenger rail. I
13 have one question because I have not heard this
14 before. You suggested that the bridges are in the
15 process of being automated. So does this mean that
16 no human being, or bridge operator will need to be
17 present to make that, work those bridges?

18 MR. SMITH: That's correct. One of the
19 issues CSX raised was oh well, we have to take a
20 bridge tender out to the bridge, to operate that
21 bridge, and then they lost the logs from those bridge
22 tenders, which they subsequently found. Well once

1 the bridges are fully automated, and that is underway
2 today, and they will be fully automated.

3 All the bridges along the Gulf, once
4 that's done there will be no effort to take a bridge
5 tender out to the bridge. And of course to hold the
6 position that the Coast Guard cannot manage the
7 operation of the bridges for boat traffic and rail
8 traffic, simply does not stand a test of reality.

9 You could not possibly run the Northeast
10 Corridor over the many bridges there if the Coast
11 Guard couldn't make that happen, and they do all
12 along the borders of the country, and in fact the
13 common bond has committed to keep bridges in the
14 position that will facilitate passenger rail.

15 CHAIRMAN OBERMAN: Who is doing the
16 automating? Is the railroad doing that, or the
17 government?

18 MR. SMITH: I understand it's a private
19 contractor automating the bridges for the railroad.

20 CHAIRMAN OBERMAN: And do you have any
21 knowledge about when those projects will be done at
22 least for the bridges on the proposed line?

1 MR. SMITH I am told that all but three
2 bridges will be done this year and that the remaining
3 three will be done immediately following.

4 CHAIRMAN OBERMAN: And then how will they
5 be operated? By signal tripping the bridge, or by a
6 human being at a remote location? Do you understand
7 how that will work?

8 MR. SMITH: No sir, I'm sorry I don't have
9 that information.

10 CHAIRMAN OBERMAN: Well it's information
11 maybe we can get that from the parties, but I
12 appreciate your adding that because in everything I
13 read I had not heard that at this point. I might
14 pass that along to the City of Chicago. By the way I
15 used to employ bridge tenders on the Chicago River in
16 the middle of the winter when the river was frozen.
17 We always used to wonder about that.

18 MR. SMITH: Chairman one of the issues CSX
19 brought forward was well one of the bridges is always
20 open for boat traffic, something like 20 out of 24
21 hours a day. But when you examine the bridge tender
22 logs you found that the bridge was left open because

1 there was so little freight traffic it was simply
2 easier to leave the bridge open for boats, and close
3 it just when the freight train came by.

4 Also some of the tripping devices for the
5 bridges signaling that the bridge needed to open for
6 freight traffic were located at the throat of the yard
7 so that when CSX would assemble trains and move back
8 and forth within the yard they'd trip that device and
9 send false signals that there was a train coming for
10 the bridge.

11 So those are issues, and in fact the Coast
12 Guard said it is not passenger trains that are the
13 problem, it's freight trains that are the problem.
14 Passenger trains move very quickly over the bridge.
15 They can accommodate that movement very easily.

16 CHAIRMAN OBERMAN: All right. Well than
17 you much John Robert, I appreciate that. Are there
18 any other questions for John Robert?

19 MR. DAVES: Mr. Chairman this is City
20 Councilman Joel Daves in Mobile. I just wanted to
21 let you know I was available when you want me.

22 CHAIRMAN OBERMAN: You know what? You

1 were already due, so I'm going to call on you right
2 now as long as you are able to join us, so just make
3 sure Councilman, that none of my Board members had
4 any questions for John Robert Smith, so he can
5 finish, and then we'll come back to you promptly.
6 Thank you for letting me know you were here. I
7 appreciate it.

8 MR. SMITH: Thank you all.

9 CHAIRMAN OBERMAN: All right. Thank you
10 very much John Robert. We will look forward to
11 hearing from you further I'm sure. Councilman Daves?

12 MR. DAVES: Thank you very much Mr.
13 Chairman. I appreciate the opportunity the Surface
14 Transportation Board has given me to speak to you
15 today. I'm trying to move between a City Council
16 meeting and this Board meeting, and it's proved a
17 little bit difficult. I apologize for not being here
18 when you called me up.

19 CHAIRMAN OBERMAN: Well I have a great
20 deal of respect for City Councilmen attending City
21 Council meetings.

22 MR. DAVES: Thank you sir.

1 CHAIRMAN OBERMAN: 12 years, don't
2 apologize, go right ahead.

3 MR. DAVES: Two years ago the idea of
4 passenger rail service being implemented between
5 Mobile and New Orleans was brought to the City of
6 Mobile, and after much discussion and fact-finding,
7 the City Council approved a resolution endorsing
8 passenger rail service from Mobile to New Orleans.

9 The resolution was however, conditioned
10 upon commitment to provide -- it was a conditional
11 commitment to provide an operating subsidy of three
12 million dollars a year for the first three years of
13 that service. The city's three million dollar
14 commitment was conditioned upon two things. First
15 was the Southern Rail Commission or Amtrak procuring
16 funds from other sources to construct passenger rail
17 station, and to undertake the necessary capital
18 improvements to the rail corridor in order to
19 successfully accommodate both freight and rail
20 service.

21 The city support was also contingent upon
22 completion of a freight rail study, assessing the

1 full impact that passenger rail service would have on
2 freight activity, and the city's determination that
3 the impact could be mitigated. The study was
4 required to include an evaluation of the impact on
5 freight movement within the Port of Mobile, and was
6 required to factor in the planned growth of the port,
7 including the impact of the widening and deepening of
8 the Mobile ship channel.

9 Neither of these two preconditions have
10 been met. I'd like to make it absolutely clear that
11 the Port of Mobile is the primary driver of the
12 economy for the City of Mobile, and one of the
13 primary drivers in the State of Alabama. According
14 to an economic impact study from the University of
15 Alabama's Center for Business and Economic Research,
16 this was conducted several years ago. The port is
17 responsible for 134,608 direct and indirect jobs in
18 the state with a direct tax impact of \$487 million
19 dollars.

20 To date, 1.3 billion dollars has been
21 invested in the port, and another 715 million dollars
22 in state and federally funded improvements are

1 underway. We have one of the fastest growing
2 container facilities in the country in new intermodal
3 and railroad facilities, all built with the
4 expectation of safe, reliable, freight service upon
5 the very tracks on which Amtrak proposes to operate.

6 The fact remains however that we can have
7 the finest port in the world, but if shippers cannot
8 move their goods in and out of the port on a timely
9 basis, they'll simply go elsewhere. We must
10 understand how the proposed passenger rail service
11 will impact freight traffic through the port, and
12 then identify the infrastructure enhancements that
13 can mitigate those impacts.

14 But let's leave aside for a moment the
15 impact to the port, and who's going to pay for the
16 necessary infrastructure improvements, and consider
17 whether it would make sense even if the two
18 preconditions were met. The proposal is only for
19 service which would run from Mobile to New Orleans
20 and back, two round trips a day.

21 Amtrak's estimate two years ago of the
22 annual operating expense was 7.7 million dollars.

1 Amtrak estimated at that time 38,000 riders per year
2 at \$18.33 per rider, or \$696,540.00 in ticket
3 revenue. Amtrak's estimates are based on the same
4 methodology they used to estimate ridership and
5 passenger generated revenue for several lines, and
6 has been developed over decades of experience
7 managing thousands of miles of passenger rail lines.

8 Therefore for the net annual operating
9 deficit on this line, according to their numbers, was
10 7 million dollars to be divided equally between the
11 three states. Now our portion would be about 2.3
12 million dollars annually. For every dollar the
13 riders pay, the taxpayer would pay \$10.00. When the
14 Amtrak representatives were here two years ago, I
15 asked whether a 10 to 1 subsidy was common on other
16 similar rail lines.

17 The Amtrak representatives could not point
18 me to one other domestic rail line where the subsidy
19 was anywhere close to 10 to 1. Now I understand
20 Amtrak would cover the operating deficit in the first
21 three years, and that federal grants might help out
22 in the following three years. But after the first

1 three years there might be no federal operating
2 subsidy, and our share of the operating deficit would
3 be ours alone.

4 All of this does not consider the capital
5 cost involved in restoring passenger rail service,
6 and who will pay those costs. Now it's been argued
7 that this would provide a viable transportation
8 alternative for those with moderate means. It's not
9 a transportation alternative. It has been correctly
10 described as a travel adventure.

11 If you want to get from Mobile to New
12 Orleans, you're going to take your own car, which is
13 more convenient, cheaper, it takes less time. If you
14 don't have a car, you're going to take the bus, which
15 is more convenient, cheaper and takes less time.
16 Proponents have argued that citizens with moderate
17 needs will use it to travel across the country by
18 taking the train in New Orleans, and then changing
19 trains.

20 I took the time to look into that.
21 Chicago was mentioned as a possible destination.
22 Let's say you wanted to travel from Mobile to

1 Chicago, I looked for the cheapest fares both plane
2 and train. You can fly from Mobile to Chicago on
3 March 15 of this year for about \$144.00.

4 The flight takes five hours because of
5 stops. In the alternative, you could assuming the
6 rail service between Mobile and New Orleans existed,
7 take the train into New Orleans and then transfer.
8 The total fare, assuming \$20.00 for the ride to New
9 Orleans would be about \$130.00, a savings of \$14.00,
10 but you would be on the train or in the station at
11 New Orleans for over 24 hours.

12 How about Los Angeles? Well again,
13 traveling on March 15 the air fare is \$178.00, and
14 the flight takes eight hours after you stop in Fort
15 Worth. On Amtrak the fare is \$320.00, and it will
16 take about 50 hours. So let's put aside the argument
17 that this is a viable transportation alternative for
18 those with limited means.

19 This is a bad idea. It's a bad idea from
20 an economic perspective, but the economic infirmities
21 pale in comparison to the threat to the economy of
22 the City of Mobile, and the State of Alabama if

1 authorization to implement this service over these
2 tracks is granted in the absence of a freight rail
3 study, and infrastructure improvements necessary to
4 mitigate any impact to port operations. Thank you
5 very much Mr. Chairman, I appreciate this
6 opportunity.

7 CHAIRMAN OBERMAN: Thank you much
8 Councilman, I much appreciate your thoughtful
9 remarks. Are there any questions from Board members
10 for Councilman Daves? All right sir, thank you.

11 MR. DAVES: Thank you very much.

12 BOARD MEMBER HEDLUND: Mr. Chairman.

13 CHAIRMAN OBERMAN: Wait a minute. I'm
14 sorry Karen has a question.

15 BOARD MEMBER HEDLUND: Just a
16 clarification. Councilman I think you make a, you
17 know, brought up some great points on the economics,
18 and your concerns about paying subsidy costs in the
19 future. But is it your understanding that if we
20 entered an order permitting Amtrak to access the rail
21 line between New Orleans and Mobile, that would not
22 force Mobile to pay anything, that the financing and

1 funding of this is a totally separate matter?

2 MR. DAVES: Well I'm not sure I understand
3 the question. In other words I understand what I've
4 been told is that there would be a 100 percent --
5 that Amtrak would pay 100 percent of the annual
6 operating deficit for the first three years, and that
7 there might be some kind of federal assistance -- it
8 might be some kind of federal assistance with respect
9 to the operating deficit in the next three years, but
10 I don't know what happens beyond six years.

11 I really don't know what happens beyond
12 three years. What I'm afraid of is that there's
13 going to be some kind of unfunded mandate to the
14 city, or to the State of Alabama in order to fund an
15 operating deficit which is greater than any operating
16 deficit of any rail line that I know of, and that
17 AmSouth could advise me of. I mean that Amtrak could
18 advise me of.

19 Again, again when they were here two years
20 ago we went through all these numbers, and there were
21 several Amtrak representatives here. And I pointed
22 out the size of the deficit, you know, that the

1 riders would pay 10 percent, and the taxpayers would
2 pay the rest, and I asked them if there was any rail
3 line operating that they were aware of where that kind
4 of subsidy, for that larger subsidy was in effect.
5 And they could not point me to one.

6 BOARD MEMBER HEDLUND: My point was just
7 to clarify that our decision in this case does not
8 implicate who's going to pay for it in the future.

9 MR. DAVES: Thank you.

10 BOARD MEMBER HEDLUND: Thank you.

11 CHAIRMAN OBERMAN: Thank you Councilman.
12 Are there any other questions for Councilman Daves?
13 All right sir, much appreciate your being with us.

14 MR. DAVES: Thank you very much I
15 appreciate it.

16 CHAIRMAN OBERMAN: Thank you. All right.
17 So again if the others who haven't been able to be
18 with us are able to join we will do our best to
19 accommodate them. I'm going to go back now to Panel
20 4. We heard from John Robert Smith, and I understand
21 that two of the three members of the Southern Rail
22 Commission are with us, but I'm not sure which three,

1 which two. Is Greg White here?

2 MR. WHITE: I am.

3 CHAIRMAN OBERMAN: Yes sir. You have the
4 microphone.

5 MR. WHITE: Thank you Mr. Chairman. I
6 appreciate so much the opportunity to join you all
7 today. I was appointed to the Southern Rail
8 Commission.

9 CHAIRMAN OBERMAN: Mr. White if you have
10 video I can't see it. If not we're happy to hear
11 you.

12 MR. WHITE: Let me see. I do have video
13 and it was up. I probably touched the wrong button.
14 Hold on.

15 CHAIRMAN OBERMAN: That's all right. I'd
16 like to see your smiling face. There you are.

17 MR. WHITE: Sorry to disappoint you sir.

18 CHAIRMAN OBERMAN: No it's okay.

19 Handsome. Thank you.

20 MR. WHITE: I was appointed to the
21 Southern Rail Commission by Alabama Governor Bob
22 Riley, and later reappointed by Governor Robert

1 Bentley. I served for eight years representing my
2 state on this three state compact, six of those years
3 I served on the Executive Committee, and two of those
4 six years I served as Chairman of the SRC. Our
5 mission is to promote safe, reliable and efficient
6 movement of people and goods across our region.

7 We took -- I took this mission very
8 seriously. It's been 17 years since the Gulf Coast
9 has had passenger rail service. But in an effort to
10 address that, Congress created the Gulf Coast
11 Working Group in 2015. In my capacity as a member of
12 the SRC Executive Committee I was appointed by FRA
13 Administrator Serafine Byrd to serve on the Gulf
14 Coast Working Group.

15 So I was privileged to have first-hand
16 knowledge of all of its work and progress. I
17 participated in the series of monthly meetings that
18 the working group held along the Gulf Coast, and then
19 as I began to shape the information gathered from
20 those meetings in order to accomplish the task at
21 hand, which was to return passenger rail.

22 I was at the table, often in Washington

1 D.C. Also at the table were officials from Amtrak,
2 FRA and CSX. I was involved in untold number of
3 conversations with stakeholders along the Gulf
4 Coast, elected officials, community leaders, business
5 leaders, we also had public and private conversations
6 with CSX, the Port of Mobile, Amtrak and others.

7 I can tell you for a fact that the SRC
8 always stressed the importance of working closely
9 with freight rail in general, and with the Port of
10 Mobile specifically to ensure that passenger rail
11 didn't adversely affect the movement of freight or
12 port operations. And CSX engaged in discussions
13 throughout this process of what improvements they
14 felt were needed to accommodate passenger service on
15 their lines.

16 Then they delivered their engineering
17 study of the upgrades that they wanted to make if
18 they were to move forward with passenger rail
19 service. It had a price tag of 2.3 billion dollars,
20 and service extended from New Orleans, at that time
21 to Orlando. Then FRA and Amtrak requested a list of
22 the projects needed, and CSX replied they "did not

1 have it."

2 Although federal funds paid for their
3 study, they declared it to be proprietary, and
4 therefore they refused to share it. I'm a CPA by
5 profession, the numbers are important to me, and
6 it's unusual to come up with an estimate without the
7 data to back it up, and CSX didn't provide to that.

8 I'll tell you that over the next several
9 weeks following that report we met often with
10 officials from CSX. The engineers from CSX, Amtrak
11 and FRA were talking through the entire route of the
12 Gulf Coast service mile by mile, reaching an
13 agreement on what would be needed for passenger
14 service to resume. And although not a final answer,
15 the cost had dropped after several meetings to
16 something like 275 million dollars.

17 But then at a final meeting at FRA
18 headquarters, the new CSX representative who had not
19 made a meeting previously, abruptly took that number
20 off the table, declared that they were going back to
21 the 2.3 billion dollar number that they started with,
22 and they promptly walked out of the FRA hosted

1 meeting.

2 Because of the significant concerns
3 expressed, and the pushback from the Port of Mobile,
4 SRC and Amtrak changed our goal to simply bringing
5 passenger rail service from New Orleans to Mobile,
6 not on through to Jacksonville and Orlando. All the
7 while I understood in a face to face meeting with
8 Jimmy Lions that the port would not oppose passenger
9 railroad returning to the Gulf Coast.

10 It was our belief -- my belief
11 specifically, that the port's concerns were valid and
12 needed to be addressed with studies and much needed
13 improvements to the rail yard. Grant funding was
14 offered them to undertake the initial study for the port.
15 So we worked closely with Mobile and Amtrak
16 officials, and established an end point of this route
17 that would not enter the Mobile Port rail yard, but
18 much like when the original 2.3 billion dollar price
19 tag was placed on the table by CSX, that seemed to
20 turn the heads of every professional in the room I
21 might add, and much like when CSX walked out of the
22 final meeting at FRA headquarters by withdrawing

1 their concurrence with an amount of 300 million or
2 less, and declaring they were back at the 2.3
3 billion.

4 And similar to how they responded to the
5 Coast Guard's change of protocol to address what CSX
6 had communicated to be one of their most significant
7 concerns, the drawbridges. We were now seeing what
8 appears to be delaying tactics by CSX, using straw
9 man arguments about port concerns that are simply an
10 attempt to kill passenger rail along the Gulf Coast.

11 If CSX had negotiated in good faith over
12 the last few years, I would have the confidence in
13 them now, but as someone who is at the table at every
14 stop, and engaged in numerous telephone
15 conversations through the early Gulf Coast working
16 group years I have to say that I'm convinced we're
17 being stonewalled again.

18 The message I got from the public across
19 this region is they desire a return of this method of
20 transportation. I believe the SRC is right in their
21 mission, they have operated in good faith every step
22 of the way. We can't allow unsupported, unreasonable

1 demands by CSX to overturn long established law, and
2 in doing so, veto passenger rail that is supported by
3 the people, and by the leadership of the coastal
4 south.

5 I join those before me in saying that
6 we're concerned about impact on the port, but I think
7 that the proposal to move forward is timely and is
8 necessary for our region to continue to grow. Thank
9 you for allowing me to share my perspective today.

10 CHAIRMAN OBERMAN: Chairman White, thank
11 you much for being here.

12 MR. WHITE: Yes sir.

13 CHAIRMAN OBERMAN: Without asking you to
14 get into great detail, was there ever in your -- to
15 your understanding a specific proposal aimed at just
16 alleviating what the port is now claiming are its
17 concerns?

18 MR. WHITE: There were many discussions.
19 I know when we sat with FRA, CSX engineers -- at CSX
20 headquarters actually in Washington, later at FRA
21 headquarters there was talk about movement through
22 the Port of Mobile, what might be required to add

1 capacity there, which of course should help the four
2 trains a day if we went beyond Mobile.

3 But it would also help the freight
4 movement within the port. But again, in the end the
5 decision was made to limit the movement to the City
6 of Mobile, whether that's the downtown station that
7 CSX has continued to advocate for, or the station
8 at Brookley Field that the Mayor mentioned, which I
9 think is a great option

10 CHAIRMAN OBERMAN: I'm sorry would you
11 please say the last part again I got distracted.

12 MR. WHITE: Oh there was discussion here
13 in Mobile about whether to bring Amtrak to the
14 downtown station, the old station, which is
15 approaching the Port of Mobile, or to take it to
16 Brookley Field, which is a new airport downtown, and
17 either of those options are on the table.

18 CSX advocates for downtown. The Mayor
19 mentioned his interest in Brookley Field as the
20 station for Amtrak. Either of those stay clear of
21 the Port of Mobile.

22 CHAIRMAN OBERMAN: All right sir, thank

1 you very much. That's very helpful. I appreciate
2 the enlightenment, and I appreciate your dedication
3 to this project. Obviously it's going on, you're a
4 persistent man.

5 MR. WHITE: Absolutely, thank you all so
6 much.

7 CHAIRMAN OBERMAN: All right. Are there
8 any questions to Chairman White? All right sir,
9 thank you very much.

10 MR. WHITE: Yes sir.

11 CHAIRMAN OBERMAN: Is Chairman Ross with
12 us?

13 MR. ROSS: Yes sir Mr. Chairman I'm here.

14 CHAIRMAN OBERMAN: All right you're on.

15 MR. ROSS: Thank you sir. Good morning
16 Mr. Chairman, good morning to the Board. I'm Knox
17 Ross, I'm the current Chairman of the Southern Rail
18 Commission, and I represent the State of
19 Mississippi. I have served on the Commission for
20 over ten years, and was involved with the Gulf Coast
21 working group since its inception, and remain
22 actively involved in restoring Gulf Coast service at

1 the present time.

2 I was present for each and every meeting
3 of the working group, and have first-hand knowledge
4 of the working group's processes, conversations, and
5 meetings as well as the positions taken by all
6 parties involved in this group along the way. It's
7 now been 17 years since Hurricane Katrina devastated
8 our Gulf Coast, specifically Mississippi, and took
9 passenger rail service with it.

10 The SRC has been leading the charge to
11 bring passenger rail back at the behest of our local,
12 state and federal elected officials, and our business
13 community for the better part of 10 years. Each of
14 our cities has invested millions of dollars in
15 infrastructure, not only to rebuild, but improve their
16 downtowns and beachfront areas, and create a more
17 attractive, resilient future for our coast.

18 All of these improvements are centered on
19 a common conveyance to move citizens, visitors and
20 workers between our coastal communities and passenger
21 train. Our coast is built for it. Our state,
22 Mississippi, has suffered a decline in population

1 over the past two years. We recognize as a state
2 that we must reverse this if we are to thrive.

3 One of the principal areas that has
4 reversed this trend is the Mississippi Gulf Coast.
5 We recognize that we must invest in this part of the
6 state to encourage even more people in business to
7 locate. Having passenger rail as a cornerstone of a
8 safe, efficient, movement of people is critical to
9 our future as a state and region, and this drives our
10 continued work to make this train a reality.

11 In our work over the past ten years I have
12 had enumerable conversations with stakeholders, local
13 business leaders, rail customers, and numerous
14 conversations with representatives of CSX, the
15 Alabama State docks, Amtrak, the ports along the
16 Mississippi, portion of the route, and many others.
17 Many of our discussions focused on specific issues
18 faced by the operation of this train and how it can
19 be overcome.

20 The SRC has done an immense amount of work
21 to attempt to solve them, and I'll share just a few
22 examples with you. At a conference in Cincinnati in

1 2016, I was asked by a CSX senior official if we
2 could stop the train in Mobile. If we could in his
3 words, we can make it work. Based on this
4 conversation, and numerous conversations with the
5 Federal Railroad Administration, we went to work to change
6 the concept from a long distance train with a state
7 supported second frequency, to two state supported
8 frequencies that would terminate in downtown Mobile.

9 At the same meeting I was told by the same
10 person that drawbridges would no longer be an issue
11 in the operation of the train. We were asked by port
12 officials here in Mobile to consider stopping the
13 train at the proposed Brookley Field stop, with the
14 comment that there would be no problem with the
15 service if we did that.

16 We immediately went to work in
17 coordination with Amtrak and the city to determine
18 the station site, and that process continues. We
19 worked closely with the Jackson County Port
20 Authority over Pascagoula, Mississippi to secure
21 funding for track rail line that will greatly improve
22 track enclosed to and from their port, allow for

1 numerous grade crossing closures, and increase
2 capacity for the passenger train.

3 This is being successfully implemented as
4 we speak. We have offered to work with others to
5 secure similar funding, but have so far been
6 rebuffed. And there are many more examples too
7 numerous to mention here. We have from the beginning
8 understood we must protect the interest of the
9 traveling public and the freight shipper -- both of
10 these are integral to the economic success of our
11 region.

12 I believe we have demonstrated our
13 willingness to compromise, negotiate and find
14 solutions to the issues that are presented by the
15 service. However, we do not seem to get that in
16 return. Our cities have waited patiently for this
17 service. They have committed, as has our state,
18 significant funds for stationary improvements,
19 grade crossing safety improvements, and also 66
20 million dollars for capacity improvements in our
21 three states.

22 Our communities stand ready to use this

1 service to help our state grow and prosper. We state
2 we are ready to make the investments to make the
3 service successful. I believe it's very telling Mr.
4 Chairman, as to the support for this service, and the
5 lack of concern about degradation of freight service
6 that we don't see any port customer on the
7 Mississippi ports on the route to my knowledge,
8 voicing any concerns to the STB today.

9 And I note that the Mississippi portion is by
10 far the largest portion of the route between
11 Louisiana and Alabama. It's been 17 years. It's
12 time to stop stalling. It's time to move this
13 project forward. Thank you Mr. Chairman for your
14 time.

15 CHAIRMAN OBERMAN: Thank you sir. I much
16 appreciate it.

17 MR. ROSS: Yes sir.

18 CHAIRMAN OBERMAN: I have to clarify
19 something because you were so fulsome in your facts
20 that I missed one point. When you said you were at a
21 meeting, and you were told the bridges would no
22 longer be an issue, or words to that effect, I think

1 you said.

2 MR. ROSS: Yes sir I did.

3 CHAIRMAN OBERMAN: I just wanted to be
4 specific. When was that meeting?

5 MR. ROSS: That was a meeting in 2016 that
6 was hosted by the Cincinnati Chamber of Commerce
7 regarding moving the Cardinal to seven days. It was
8 hosted by Amtrak and various business interests in
9 Cincinnati, and I was invited to talk about the
10 concept of the Southern Rail Commission. And there
11 were CSX representatives there, and we had offline
12 discussions. There were some Amtrak representatives
13 there too, and Mr. Chairman I'd be happy to share
14 without offline exactly who those individuals were
15 that we talked to, but they both told us suggested we
16 could stop the train in Mobile, which I think is very
17 important to point out.

18 Where the train stops is before it enters
19 the property of the port, and it stays completely on
20 CSX right-of-way. And we do not enter the yard,
21 Sibert Yard, or any facility past the station. And
22 we think that was important because it was pointed

1 out to us that that's an issue, and we agree. And so
2 that's why we stopped the train there, and we also
3 worked on the Brookley Field deal.

4 And that's why we talked about the
5 drawbridges. Specifically, what was offered to us,
6 which never really happened, was that the RTC model
7 that was run between Jacksonville and New Orleans
8 would be re-run without the effect of the drawbridges.
9 And that really never happened, but that was the
10 offer at the time, but that was from the Cincinnati
11 2016 meeting.

12 CHAIRMAN OBERMAN: All right. So when the
13 person said the bridges would no longer be a problem,
14 were they talking about the automation that we heard
15 about here a little while ago?

16 MR. ROSS: No sir. We knew nothing of the
17 automation at that time, and that's been what six
18 years ago, so that may not have been in the plan.

19 CHAIRMAN OBERMAN: All right. That's what
20 I was sort of curious about. And without asking you
21 apparently it was an off the record conversation, was
22 the person who told you about the bridges not being a

1 problem, where did that emanate from? Was that a CSX
2 representative?

3 MR. ROSS: Yes sir. That was there, at
4 that point in time he was the head of their passenger
5 operations.

6 CHAIRMAN OBERMAN: All right. Okay. I
7 was just curious about the source of that
8 information. I don't think, because this is a public
9 hearing, that it would be appropriate to take any --
10 I appreciate the sensitivity, and --

11 MR. ROSS: Yes sir.

12 CHAIRMAN OBERMAN: I don't think it would
13 be appropriate for us to hear any testimony of either
14 the sworn testimony, or even hear from the public
15 session offline so to speak.

16 MR. ROSS: Yes sir.

17 CHAIRMAN OBERMAN: We could perhaps ask
18 questions about that. So thank you very much. I
19 much appreciate your dedication, and your work. Are
20 there any questions from Board members for Chairman
21 Ross? Okay. Thank you very much sir, I appreciate
22 it.

1 MR. ROSS: Thank you Mr. Chairman.

2 CHAIRMAN OBERMAN: Do I understand Vice
3 Chairman Spain may not be present at the moment?

4 MR. SPAIN: I'm with you Mr. Chairman.

5 CHAIRMAN OBERMAN: You are here. Okay.

6 MR. SPAIN: Thank you. And good morning
7 to you and members of the Board. My name is John
8 Spain. I am the current Vice Chairman of the
9 Southern Rail Commission, and so you are now hearing
10 from the three members of the executive committee of
11 the Southern Rail Commission that have been involved
12 in this project for the last ten years.

13 I've been involved with the Gulf Coast
14 working group since its inception, and remain
15 actively involved in restoring Gulf Coast service to
16 its previous service. I have first-hand knowledge
17 of the Gulf Coast working group's process,
18 conversations and meetings, as well as the positions
19 taken by all the parties involved in the group along
20 the way.

21 It's been long enough since the Gulf Coast
22 has had passenger rail service in our region, and

1 it's been years since the Gulf Coast working group
2 was actually started. The group as you know, which
3 was led by the Federal Railroad Administration, and
4 stood up by the Congress of the United States, and
5 tasked with identifying the infrastructure
6 improvements needed to begin service again.

7 Southern Rail Commission has been a part
8 of it since its inception. I have had a number of
9 conversations with stakeholders, elected officials,
10 as well as community and business leaders across the
11 nation. This also includes private and public
12 conversations with CSX, the Port of Mobile, Amtrak,
13 and others.

14 I will not attempt to once again belabor
15 the points made by my colleagues earlier from the
16 Southern Rail Commission that have already been made
17 to this hearing. Restoring passenger rail service
18 along the coast will bring major economic dollars to
19 New Orleans, and the Mississippi and Alabama Gulf
20 Coast.

21 Not only will passenger rail restoration
22 be a business and tourist connection it will also

1 allow for a life safety issue for evacuation relief.
2 I live in Baton Rouge, Louisiana, and I want to make
3 the point to the Chairman and members Mr. Board,
4 we lost this passenger service during Hurricane
5 Katrina, 2005. That's 17 years ago, and we still do
6 not have it back.

7 The City of New Orleans, and the State of
8 Louisiana incurred billions of dollars of damage
9 during that historic storm, and it still impacts our
10 daily life every day. We have waited long enough.
11 Our region continues to get hit by major storms year
12 after year, and pose many safety risks for our
13 communities along the Gulf Coast who cannot evacuate
14 in time.

15 Part of the planning by the Southern Rail
16 Commission is to recognize that passenger service can
17 provide evacuation to bring our people out of harm's
18 way, both further east, and eventually through a
19 proposed passenger service link between New Orleans
20 and Baton Rouge, by using trains instead of putting
21 people in the Super Dome as we did in 2005, we can
22 take our people out of harm's way to places of

1 safety.

2 It is of extraordinarily importance to the
3 State of Louisiana. This service will continue to
4 serve as not only a regular passenger service, but
5 can provide that evacuation relief if we need. Our
6 governors, our elected officials have spoken. They
7 have put up money. We are at a place where we have
8 been talking about this for over 10 years.

9 We have talked about the impact on the
10 port, and addressed those issues. We've listened and
11 been in the offices of CSX and had numerous
12 conversations, and agreed on how we would move
13 forward. Our states have actually pledged money, and
14 the federal government has pledged 33 million
15 dollars.

16 The money is there. The discussions have
17 taken place, we have listened. We would now ask your
18 consideration to let this service start again. It's
19 extraordinarily important to our people from an
20 economic standpoint, but also from a safety
21 standpoint. We thank you for your time. We
22 appreciate your having this hearing today, so we

1 would have the opportunity to talk about this very
2 important project, and good morning to you.

3 CHAIRMAN OBERMAN: Vice Chairman Spain
4 thank you very, very much. Are there any questions
5 for Mr. Spain from the Board members? Okay. Thank
6 you sir. So at this point we've been going about two
7 hours, and I think a break would be in order, and
8 given the pace at which we are moving, which is very
9 efficient, just to let everyone know in the planet,
10 including private industry sector, just how efficient
11 the Surface Transportation Board is.

12 I'm going to suggest the following. I
13 understand that Senator Sessions.

14 SENATOR SESSIONS: Yes Mr. Chairman. Can
15 you hear me?

16 CHAIRMAN OBERMAN: Is now available. What
17 I'd like to do is call you as the first person after
18 we take a ten minute break, and then we will hear
19 from Jim Mathews, and then because we seem to be
20 ahead of schedule we will hear from Ian Jefferies,
21 and if there's time before lunch Chuck Baker, and we
22 will break for lunch at approximately 12:30 and

1 reconvene promptly at 1:00.

2 Senator Sessions can you be with us in ten
3 minutes? I think people need a break here.

4 SENATOR SESSIONS: Yes, yes sorry, can you
5 hear me okay?

6 CHAIRMAN OBERMAN: I can hear you
7 perfectly.

8 SENATOR SESSIONS: Okay. Well I will be
9 here and I'll be ready to be on in ten minutes.

10 CHAIRMAN OBERMAN: All right. It's 11:38.
11 We will come back promptly at 11:48, and proceed
12 until roughly 12:30 with the next witnesses I just
13 listed. Thank you all very much.

14 SENATOR SESSIONS: Thank you.

15 (Break)

16 CHAIRMAN OBERMAN: All right. We are back
17 in session. And we are joined by Senator David
18 Sessions of Alabama. Senator Sessions.

19 SENATOR SESSIONS: Good morning. Thank
20 you for allowing me to testify. As you said my name
21 is David Sessions. I represent --

22 CHAIRMAN OBERMAN: Can you turn on your

1 video for us Senator Sessions?

2 SENATOR SESSIONS: I can. I was trying to
3 spare you.

4 CHAIRMAN OBERMAN: Well we'll suffer
5 through it.

6 SENATOR SESSIONS: Okay. All right, okay.

7 CHAIRMAN OBERMAN: Thank you sir.

8 SENATOR SESSIONS: Are we good? All
9 right. Well I serve Senate District 35, southwest
10 corner of the county of Mobile, and I serve on the
11 Agriculture and Forestry Committee as the Vice
12 Chairman. I serve on the Energy and Transportation
13 Committee, and Tourism Committees to name a couple
14 more, but I also serve on the Joint Transportation
15 Committee, this House and Senate transportation
16 oversight, to basically lay this gas tax proposal
17 that we passed.

18 But you know my work I focus on key
19 industries that's important to my economy, and my
20 home district, agriculture, seafood production is
21 there, a lot of chemical manufacturing, aggregate
22 materials, retail distribution. We have one of the

1 six Walmart international distribution centers in my
2 district that serves the entire southeast United
3 States, so you know most of the employers in my
4 district rely on cargo and carrier activity that
5 comes and goes in the Port of Mobile.

6 You know one of the port's two ship
7 channels is in my district, and that's solely reliant
8 upon CSX to move the raw materials, fertilized
9 chemicals, and all the goods that they move in and
10 out of the port. In all scenarios shippers, they
11 have to cross or transit the CSX corridor, and that's
12 where Amtrak proposes to place their new service and
13 its station.

14 You know honestly I would love to see you
15 know passenger rail. It's an important thing to move
16 people up and down and across the country. I believe
17 in mass transit, but unfortunately you know this area
18 is so reliant on the services of CSX, and the jobs in
19 my district.

20 We have so many jobs, over 40,000 jobs
21 generated by the port with you know three and a half
22 billion dollar impact. You know the total seaport

1 generates over 160,000 jobs, that's all up and down
2 the state. That's a huge impact. And you know both
3 my constituents and I are concerned that our port and
4 our rail service could be harmed if this is allowed
5 to go through without some further study.

6 You know I think Amtrak proposes four
7 trains during daylight hours. You know a majority of
8 this track that runs through my district is a single
9 track, and it has insufficient sidings. You know
10 these passenger trains take priority over transit.
11 The CSX system during an incredibly high traffic
12 period for freight, you know, that's detrimental to
13 the movement of freight at a time when we know that
14 the shipping and the trucking and all that is at a
15 very, very fragile moment when the supply chain is
16 just being stretched to the max.

17 This will be another issue that will
18 create -- getting products. You know past the rail
19 proponents they took 17 Gulf Coast working group
20 report to Congress, and that report only addressed
21 two of the five options identified in the Amtrak 15
22 report.

1 You know they also built upon Amtrak's
2 2015 analysis to estimate annual operating needs for
3 these services. The same report recognized the capacity
4 and infrastructure challenges and like I said that
5 single, you know, I traveled that corridor from
6 Mobile to the Mississippi state line every day, and
7 it's mostly a single track corridor you know.

8 And we don't have the sidings. There's
9 seven movable bridges from Mobile to New Orleans that
10 also will have to cross over these you know, it's
11 just like I said it's a difficult time. We all want
12 passenger rail, but there again it's been a difficult
13 time to force this upon CSX when they're already
14 having shipping issues.

15 And you know for these reasons I ask the
16 Board to deny this petition at this time. You know I
17 feel like they need to commit to a new and complete
18 freight rail study, includes both the Alabama State
19 Port Authority terminal railway utilization of the
20 CSX mainline corridor, and consider newly added stops
21 in Mississippi, and fully considers the existing
22 infrastructure, which includes those seven

1 drawbridges over the authorized waterways, and prior
2 to negotiating access to CSX's system.

3 You know they need to factor in the effect
4 it will be to the Port of Mobile. They're
5 drastically increasing their rail dependent volumes,
6 commit to locating the Mobile passenger rail station
7 to the new international airport terminal at the
8 downtown complex, instead of where they have it
9 proposed as of right now.

10 And commit to mitigating the
11 infrastructure investments and ensure freight and the
12 intermodal rail movements aren't degraded. And I
13 certainly appreciate the time the committee has
14 taken, and I appreciate you allowing me the
15 flexibility, and I will be soon leaving you going to
16 a meeting, and thank you very much.

17 CHAIRMAN OBERMAN: Senator Sessions thank
18 you so much, and we were delighted you were able to
19 accommodate us and get back so we could hear from
20 you. Are there any questions for Senator Sessions?
21 All right sir, thank you much. We will now get back
22 to Panel 4 and hear from Jim Mathews, President and

1 CEO of the Rail Passengers Association. Jim are you
2 with us?

3 MR. MATHEWS: I am here. Good morning
4 sir.

5 CHAIRMAN OBERMAN: Good morning.

6 MR. MATHEWS: Chairman Oberman, Vice
7 Chair Shultz, members of the Board we're very
8 grateful for the opportunity to appear here to share
9 the voices of America's many millions of passengers
10 as you consider this incredibly important matter.

11 Now this morning those passengers are
12 frustrated. They're frustrated that host railroads
13 insist on flipping the burden of proof of its head to
14 require Amtrak to prove that its service won't harm
15 operation, especially when Congress intended that it
16 is up to host railroads to demonstrate unreasonable
17 impairment.

18 They're frustrated that host railroads
19 having produced what even DOT considers an
20 insufficient operational analysis, have instead turned
21 to breathless PR, and unverifiable cost claims to
22 burden any new service with so much gold plate that

1 it's doomed to fail. They're frustrated that host
2 railroads continue to mislead the public and shippers
3 alike, that Amtrak is refusing to pay for needed
4 infrastructure improvements, when the reality is that
5 millions of dollars in public funds have already been
6 identified and committed to support these
7 investments, and that Amtrak has already offered to
8 pay for certain improvements.

9 They're frustrated that host railroads
10 continue to ignore the terms of the grand bargain
11 they struck with the American taxpayer to create
12 Amtrak in 1971, in which we've agreed for each of the
13 past 50 years to pay public money to relieve the
14 hosts of their common carrier responsibilities in
15 exchange for access to their tracks for a reasonable
16 fee.

17 They're frustrated that after six years of
18 working alongside stakeholders and producing endless
19 studies host railroads refuse to recognize the Gulf
20 Coast working group's analysis and conclusions,
21 instead commissioning yet another separate study
22 intended to undermine the group's work, and then

1 walking away from even that effort as that study's
2 deadline date came and went.

3 Punctuated by a bad faith argument,
4 misleading public relations campaigns, petty
5 withdrawals of cooperation, and wholesale rejection
6 of the consistently expressed will of Congress, the 16
7 year history of this dispute over restarting
8 passenger service in the Gulf Coast clearly
9 illustrates that this is about much more than 150
10 miles between New Orleans and Mobile.

11 While I can only speculate on the host
12 railroad's motives. The practical reality is that
13 this would stop any American passenger rail expansion
14 in its tracks. Last November some 50 years of
15 patient advocacy secured a record 66 billion dollars
16 for long overdue investment in our skeletal passenger
17 rail network. This will improve the lives of more
18 than 100 million Americans, and produce long-term and
19 long-lasting benefits of tens of billions of dollars
20 every year.

21 Host railroads now appear desperate to
22 stop it. Years of stonewalling is costing U.S.

1 taxpayers millions, and depriving Alabama,
2 Mississippi and Louisiana of potentially billions of
3 dollars in economic benefits. Some of the poorest
4 communities in America exist in these states, and it
5 is a particular cruelty that these underserved areas
6 are once again having to do without in the service of
7 the cynical opposition to progress and improved
8 well-being.

9 Here at the association our team estimates
10 socio-economic benefits using a model we codeveloped
11 with the University of Southern Mississippi that is
12 similar to, but expands upon, the modeling performed
13 by U.S. Senator Trent Lott's Center on behalf of the
14 Southern Rail Commission. Our analysis is in
15 complete accord with USN's 2018 Gulf Coast's
16 findings. In addition to tens of millions of dollars
17 injected into the three states economies over a four
18 year construction period, operating two daily Amtrak
19 trains could generate anywhere from 120 million
20 dollars, to as much as 1 billion dollars every single
21 year for the Gulf, in the form of jobs, increased
22 tourism, and even higher tax receipts at the state,

1 local and tribal level.

2 Even the most pessimistic scenario would
3 generate close to 13 million dollars a year for
4 Alabama alone. This is genuine, meaningful
5 improvement in the lives and livelihoods of thousands
6 of people who live, work and raise their families in
7 these states. Now the newly passed Infrastructure
8 Bill expands this kind of investment to many dozens
9 of communities nationwide, including investments
10 targeting what Congress calls traditionally
11 underserved communities, and areas of persistent
12 poverty.

13 It is hard to overstate how vitally
14 important it will be for the Surface Transportation
15 Board to vindicate Congress's intent regarding
16 railroads' obligations to host passenger rail
17 service. An intent reinforced through 25 successive
18 Congresses, under both republican and democratic
19 leadership, and given particular force in the
20 bipartisan Infrastructure Law signed in November.

21 The American people acting through their
22 elected representatives in Congress have consistently

1 voted for 50 years to approve spending taxpayer funds
2 in this way, upholding their end of 1971's grand
3 bargain. They've done this because they recognize
4 there are significant and compelling public interest
5 in supporting regular passenger rail service to places
6 where the private sector cannot profitably provide
7 it.

8 In exchange, the American taxpayer
9 deserves good faith negotiations and fully
10 transparent assessments of the costs and burdens that
11 would be imposed. The overriding principle at play
12 is Amtrak's legal right to access freight railroad
13 tracks for fair and reasonable cost. At one time CSX
14 said it would take 2.3 billion dollars to accommodate
15 two daily trains, and warned that even that amount might not
16 create a railroad fluid enough to satisfy the new 80
17 percent customer OTP standard for passenger service.

18 Well that was neither reasonable nor fair.
19 In fact, it was indefensible. Today's figure is
20 around 440 million, but even that is a far cry from
21 the 66 million dollars that the Southern Rail
22 Commission says it will take to get this service

1 started. This kind of disparity calls into question
2 not only CSX's estimate, but the methodology and the
3 motive in producing it.

4 Furthermore, host railroads continue to
5 invoke a competition sensitive privilege as a way to
6 sidestep giving stakeholders straight answers about
7 the challenges that this project may pose.
8 Government agencies, Amtrak and others are willing to
9 pay their share so long as it's defensible and
10 transparent, but for the moment host railroads claim
11 that to even discuss the number of train movements
12 would compromise their shippers' business secrets.

13 And this is curious considering that this
14 information is readily available to anyone with a
15 lawn chair and the patience to count. Our
16 association has many experienced railroaders among
17 its membership, some with decades of experience in
18 operations and planning, and many who physically keep
19 an eye on the railroad every day.

20 Based on what they've conveyed to me, CSX
21 is apparently operating only about four through
22 freights on the Mobile to New Orleans line, with a

1 couple of other shorter, local freights, serving
2 trackside industry. The through trains are about 200
3 long, 200 cars long. They don't fit in any of the
4 existing intermediate sidings between Mobile and
5 Michoud, but apart from the very time consuming and
6 largely impractical step of splitting a train between
7 two sidings only one of these 15,000 foot trains can
8 operate over the rail line at a time.

9 With a running time of five to six hours
10 between Mobile and New Orleans, CSX can only operate
11 four of these a day. That's 800 cars each day. Now
12 before prior operations fully utilized the capacity
13 with multiple sidings, all dispatch and control, you
14 could potentially operate 16 daily 110 car freight
15 trains. That's 1,600 cars.

16 As a result of the long train strategy
17 with no corresponding capacity investment, CSX has
18 artificially, and needlessly capped the Mobile New
19 Orleans line capacity at 800 cars a day. And that
20 cap prevents any strategy to grow the business.

21 And now, CSX is holding the new Gulf Coast
22 passenger service hostage, demanding that Amtrak fix

1 what CSX broke, and replace the capacity CSX just
2 unilaterally made unusable by operating freight
3 trains longer than sidings on the New Orleans to
4 Mobile Route.

5 This should not be a prerequisite for the
6 start of rail passenger service. There are other
7 options as DOT alluded to in its amicus brief before
8 this Board. This modest Gulf Coast restoration is
9 something that many thousands of local residents
10 want, and many millions of Americans need.

11 It will produce an overall return on
12 taxpayers equity of many times what will be invested
13 to produce it. There is no real public evidence that
14 operation of this service would unreasonably impair
15 CSX or NS operations, and what little evidence the
16 host railroads have produced have been insufficient,
17 and unverifiable. Congress has spent millions of
18 dollars over the years to advance this project, and
19 after nearly two decades the Gulf Coast's economies,
20 and the taxpaying public deserve to see it move
21 forward.

22 And Amtrak has a long-standing legal right

1 to access host railroad infrastructure for
2 appropriate payment, supported over many years and
3 through multiple iterations of rail related law and
4 regulation by Congress and policymakers alike. On
5 behalf of millions of Americans who stand to benefit,
6 and tens of thousands of citizens in Alabama,
7 Mississippi and Louisiana who've patiently waited
8 their turn, the Rail Passengers Association very
9 respectfully asks the Surface Transportation Board
10 this morning to one -- vindicate Congressional intent
11 to build passenger rail policy around a presumption
12 of shared use, public, private investment in
13 infrastructure;

14 Two, affirm Amtrak's long-standing
15 statutory right to access host railroad
16 infrastructure under reasonably negotiated terms and
17 compensation; Three, order restoration of the Gulf
18 Coast passenger rail service without hinderance or
19 delay; Four, hold host railroads accountable for
20 transparency, insisting that as beneficiaries of
21 ongoing support in the form of relief from common
22 carrier obligations, host railroads must not withhold

1 important, non-proprietary, or non-competition
2 sensitive information around passenger rail needs;
3 and

4 Five, maintain Board oversight and
5 vigilance over cost assessments and claims on all
6 sides to ensure that any additional examination of
7 the need for capital investments, operational
8 changes, or any other measures happens quickly, and
9 in the fullest, possible view of the public.

10 I'd like to thank the Board for its
11 attention this morning, and to applaud it's
12 leadership in proactively seeking public input on
13 this vital service. And I'm happy to take any
14 questions and my staff and I as always, remain ready
15 to supply any additional information that the Board
16 or staff may request. Thank you.

17 CHAIRMAN OBERMAN: Jim thank you much for
18 that very thorough presentation. You referred to a
19 study that the Rail Passenger Association
20 commissioned, is that right?

21 MR. MATHEWS: We performed independent
22 assessments of socio-economic benefits, and we did this

1 as well.

2 CHAIRMAN OBERMAN: And have you -- is that
3 publicly available, or did you publish that?

4 MR. MATHEWS: We did not. We've
5 published many other studies we have not published
6 that one. We probably will shortly.

7 CHAIRMAN OBERMAN: All right. And that of
8 course has not been filed with the Board in any of
9 the comments you've made?

10 MR. MATHEWS: Not yet sir.

11 CHAIRMAN OBERMAN: Yeah, okay. I just
12 wondered about it. We have to be very careful about
13 our record in this case because it is a hearing on
14 the record, which has its own legal requirements,
15 and so I just wanted to just be specific about where
16 that information is for all concerned, so everybody
17 has the same starting point.

18 Anyway that was just the one thing I
19 wanted to clear up. Any questions from any Board
20 members? All right. Well Jim thank you, and thank
21 you for all the work that the Rail Passenger
22 Association does in this area. You know I'm a strong

1 believer in public advocacy groups to get their
2 points across, and you do a very good job at it, so
3 we appreciate it.

4 MR. MATHEWS: Thank you very much Mr.
5 Chairman, thank you members of the Board.

6 CHAIRMAN OBERMAN: All right. Thank you.
7 So speaking of public advocacy groups I don't think
8 Ian would mind being described that way, and that
9 would lead us to call up Ian Jefferies, who is CEO of
10 the Association of American Railroads. Ian are you
11 with us?

12 MR. JEFFERIES: I am. Good morning.

13 CHAIRMAN OBERMAN: Good morning.

14 MR. JEFFERIES: Good afternoon, excuse me,
15 good morning in Chicago I suppose.

16 CHAIRMAN OBERMAN: Yes still morning.
17 Morning in America.

18 MR. JEFFERIES: Right, there we go. Well

19 --

20 CHAIRMAN OBERMAN: Thank you by the way
21 Ian for accommodating our schedule because we got to
22 you early and I appreciate it.

1 MR. JEFFERIES: Early is quite okay with
2 me. No problem at all. Chairman Oberman, Vice
3 Chairman Schultz, members of the Board, on behalf of
4 the Class I freight railroad host members of the
5 Association of American Railroads, thank you for the
6 opportunity to testify today. I want to be clear
7 from the outset that while I am here on behalf of our
8 six Class I freight host railroads, AAR takes no
9 position on the merits of this particular dispute,
10 nor will AAR advocate in support of any specific
11 party.

12 Rather, I plan to comment on the important
13 policy principles that should guide the Board in
14 resolving any disputes involving new or expanded
15 passenger rail service. As this case is one of first
16 impression, what the Board decides here will set a
17 precedent for the industry going forward. As you
18 know America is connected by the most efficient,
19 affordable, and environmentally responsible freight
20 rail system in the world -- a system overwhelmingly
21 built and maintained by the freight railroads
22 themselves.

1 This system provides the foundation for
2 most passenger rail as well. While Amtrak owns
3 approximately 730 route miles, primarily in the
4 northeast corridor, which account for about 40
5 percent of Amtrak's total ridership, nearly all of
6 the remaining 97 percent of Amtrak's nearly 22,000
7 mile system, consists of tracks owned and maintained
8 by freight railroads.

9 Freight railroads also furnish other
10 essential services to Amtrak, including train
11 dispatching, emergency repairs, and station
12 maintenance. We believe that America can, and
13 should have both safe, effective passenger railroads,
14 and a safe, productive freight rail system. Mutual
15 success for passenger and freight railroads requires
16 collaboration and recognition of the challenges that
17 railroads face, especially as it pertains to newer
18 expanded passenger rail service.

19 In our view, litigation should always be a
20 last resort. As most host railroads and Amtrak
21 disputes are, and we expect they will continue to be
22 resolved informally. Therefore, we strongly believe

1 that early coordination and cooperation between the
2 host railroads and passenger railroads can lead to
3 better outcomes for all involved.

4 And as I'll explain in a minute, we
5 believe the Board can facilitate that cooperation. I
6 think I speak for everyone in the rail industry when
7 I say that there's no higher priority than safety.
8 Railroads are an extremely safe way to move both
9 people and freight. The statistics bear it out.

10 Since the year 2000, freight and passenger
11 rail accident rates are down 30 percent.

12 Importantly, the rail employee injury rate for both
13 freight and passenger rail in 2020 was at an all-time
14 low. While not satisfied, we are proud of these
15 statistics. With our dedicated employees, we work
16 hard to constantly improve safety, and this is
17 important not only to the railroads, but to the
18 communities and towns in which we operate.

19 Therefore, as the Board considers starting
20 or expanding a passenger rail service, it is
21 essential that it account for any impacts of such
22 service on the safety of both passenger and freight

1 rail transportation, and if there are any
2 infrastructure upgrades or improvements that are
3 necessary to meet safety standards, such as PTC for
4 example, those should be required prior to the
5 commencement of any service.

6 Doing so will advance the unified effort
7 towards improved safety of all parties. Another key
8 principle to take into account when evaluating a
9 proposed new or expanded passenger rail service is
10 that current and future capacity needs of both the
11 freight and passenger railroads must be properly
12 considered.

13 Today freight railroads carry far more
14 freight than they did when Amtrak was created. And
15 this volume is only expected to grow. According to
16 the Department of Transportation freight activity is
17 projected to increase by 50 percent by the year 2050.
18 And the ability to accommodate freight growth has
19 been made possible by huge amounts of capital,
20 averaging 25 billion annually in recent years that
21 freight railroads have poured back into their
22 networks.

1 Freight railroads must maintain the
2 capacity to meet existing and future demand.
3 Planning for new or expanded passenger service on
4 freight host lines therefore must account for future
5 demand in both freight and passenger traffic. And to
6 that end as parties explore the expansion and
7 addition of passenger rail service, it is important
8 that all involved in those discussions are
9 essentially negotiating in the same language, or
10 using the same units of measurement.

11 For example, rail traffic controller RTC
12 modeling is a thoroughly validated tool known to the
13 Board in the rate dispute context, but also utilized
14 by all Class I railroads and Amtrak as well to
15 determine network fluidity under different scenarios.
16 While everyone is expected to negotiate and agree on
17 the inputs and key assumptions for use with the model
18 in a particular case, establishing RTC as the
19 standard modeling tool will at least ensure that any
20 disputes must be presented to the Board are as narrow
21 as they can be.

22 As we consider the impacts of new service,

1 unreasonable impairment lies at the heart of the
2 matter from a legal and policy perspective. The
3 Board must carefully weigh the impacts of newer,
4 expanded service on all aspects of freight service
5 and reliability. The statute requires that expanded
6 or new passenger rail service not unreasonably impair
7 freight traffic.

8 The issue of how much impairment is
9 reasonable as a matter of law is a question for the
10 lawyers. But the closely tied policy question is
11 squarely before the Board here. Obviously, in
12 determining whether freight traffic will be
13 unreasonably impaired by addition of particular
14 train or trains, it is critical to project the
15 freight delays on specific lines directly impacted,
16 but it is also important to recognize how freight
17 delays can affect the fluidity of the entire railroad
18 network, which impacts rail customers and communities
19 alike.

20 We are witnessing this first-hand right
21 now. Current supply chain disruptions exemplify how
22 one delay or back-up can have ripple effects

1 throughout the supply chain, and ultimately have
2 impacts on the national economy. As the Board noted
3 in 2014, even before the current crisis we're
4 experiencing, the United States rail system is an
5 interconnected network, and one carrier's service
6 problems can affect the performance of other
7 carriers.

8 Therefore, it is essential when
9 considering whether freight traffic is unreasonably
10 impaired, that the Board carefully weigh, not only
11 local delays, but potentially broader impacts. This
12 responsibility to protect fluidity of both local and
13 national freight traffic, is one the Board has been
14 vigilant in discharging in other contexts.

15 The Board recognizes the railroads' role
16 in the supply chain, and the widespread impact
17 disruptions in the freight rail service can have on
18 all rail customers in the broader economy. The
19 Board, or the Chairman has publicly expressed concern
20 when freight traffic has been delayed, even
21 temporarily.

22 In such instances the Board has sought

1 information regarding operational impacts, including
2 whether more crews or locomotives are needed, as
3 availability of those resources can directly impact
4 service levels. This is common sense in
5 railroading, and the Board should find its prior
6 efforts and concerns instructive here.

7 As one example, in the summer of 2020, the
8 Board jointly with the administrator of the FRA,
9 wrote a letter to each Class I railroad expressing
10 concerns over service issues, including late or in
11 old trains, and noted the agency's expectations that
12 Class I railroads would include the employee and
13 equipment resource availability to resolve those
14 issues and prevent them from becoming widespread.

15 Again, in a letter last May noted concerns
16 about service issues such as prolonged dwell times,
17 and delayed train arrivals. All Class I railroads
18 were asked to report on their preparations to meet
19 future demand, including the availability of
20 employees and equipment because "the interconnected
21 nature of our rail system."

22 These forward inquiries and actions were

1 driven by a concern that reported delays and
2 congestion in one area could metastasize into a greater
3 network impact. The concern is no less valid when
4 the Board weighs possible impacts of new or expanded
5 passenger rail service. On the funding front, as AAR
6 has repeatedly pointed out, it is unreasonable to
7 expect Amtrak to plan, build and maintain an
8 adequate network when it faces uncertainty regarding
9 its funding from one year to the next.

10 Thankfully, the Infrastructure Investment
11 and Jobs Act will go a long way towards addressing
12 this issue, while also allowing for expansion
13 opportunities where appropriate. It is crucial that
14 this funding be spent where it has the largest,
15 positive impact, and freight railroads are committed
16 to working with Amtrak and government officials, and
17 others to help make sure this happens.

18 To be clear, if additional or upgraded
19 infrastructure is necessary to avoid unreasonable
20 impairment of freight or other existing traffic,
21 funding for such improvements should be made by
22 Amtrak or the project sponsor, and those improvements

1 should be completed prior to the initiation of
2 passenger rail service.

3 Any other approach simply ignores the
4 Board's obligation to prevent unreasonable impairment
5 of freight traffic. Establishing new passenger
6 service on existing freight lines without necessary
7 infrastructure upgrades to maintain capacity is a
8 recipe for failure. This is especially true given
9 FRA's new customer on time performance metric.

10 Poor operational performance of a new
11 Amtrak train on over crowded lines would both hinder
12 rate performance, and ultimately harm the success of
13 the new passenger service, and result in a situation
14 where nobody wins. The board should not order new
15 or expanded passenger rail service before
16 infrastructure needed to have that service in place.

17 In closing, American cannot prosper in an
18 increasingly competitive global marketplace without a
19 best in world freight rail system. Freight and
20 passenger railroads play a key role in alleviating
21 highway and airport congestion, decreasing dependence
22 on foreign oil, reducing pollution, and enhancing

1 mobility.

2 We can achieve these goals together. All
3 of us want a passenger rail system that is safe,
4 efficient and responsive to the traveling needs of
5 the public, while also preserving our best in class
6 freight railroad network. Thank you for your time
7 today and I'm happy to answer any questions.

8 CHAIRMAN OBERMAN: Thank you much Ian, as
9 usual very thorough and thoughtful presentation. And
10 I appreciate your reference to all the correspondence
11 I have generated since I've been Chairman. I would
12 note by the way, without getting sidetracked on this
13 hearing that not all of my wishes and hopes from
14 those letters in terms of improving service problems
15 have come true yet for all of our Class Is.

16 But one can continue to hope. I do want
17 to ask one thing, and I was a little confused by the
18 very beginning of your presentation, excuse me, you
19 referenced that you were speaking on behalf of the
20 six Class I railroads, and I wondered if you were
21 having a Freudian moment about the Board actually
22 approving the pending merger, so that there will only

1 be six, or if you were actually only speaking for six
2 of the seven today?

3 MR. JEFFRIES: I was speaking for the six
4 that currently host Amtrak service.

5 CHAIRMAN OBERMAN: All right.

6 MR. JEFFRIES: No Freudian slip there.

7 CHAIRMAN OBERMAN: All right. Well I just
8 thought it should be clear because the phrase six
9 Class I railroads is not yet on the public lexicon
10 and maybe never be.

11 MR. JEFFRIES: Right, right.

12 CHAIRMAN OBERMAN: I don't mean to
13 prejudge it one way or the other. All right just to
14 make that clear. So Karen Hedlund has a question for
15 you.

16 BOARD MEMBER HEDLUND: Thank you Ian,
17 thank you for your very thoughtful comments as
18 always. I want to go back to something I understood
19 you to say about you know permitting Amtrak on the
20 freight railroads needs to accommodate future growth
21 of freights, and I want to ask you a hypothetical
22 question to see if we can get at this issue a little

1 bit more clearly.

2 Let's assume that there are no capacity
3 requirements. There's plenty of capacity for Amtrak
4 to run an additional train on a particular Class I
5 railroad, but that railroad then rose 50 percent over
6 the next 20 years. Is it your position that Amtrak
7 should pay for some portion of the additional
8 capacity needed to accommodate those additional
9 freight trains?

10 MR. JEFFRIES: So I think at speaking from
11 a higher level railroads make investments to meet not
12 only today's capacity demands, but future capacity
13 demands as well because investing in a railroad is
14 you know if you're growing capacity that's a 50 plus
15 year financial commitment you're making.

16 And when establishing a new passenger
17 service I think it's important that you set those
18 expectations early, whether or not that requires
19 infrastructure investment from Amtrak, or from the
20 project sponsor, is a project specific question.
21 I'll say in general, and I think the thesis, my
22 over-arching thesis for why I thought it was

1 important to be here today is that you know we see
2 countless projects around the country that come to
3 fruition in a positive way, and those generally occur
4 when all interested stakeholders have the opportunity
5 to sit around the table, agree on a mutually
6 desirable outcome, agree what the required resources
7 are to bring to the table, and agree who's going to
8 bring those resources.

9 And we see that works successfully I won't
10 say every day, but very frequently around the
11 country. And at the end of the day it is all about
12 that early communication, coordination and agreed
13 upon outcomes. And so without getting into the
14 specifics of a particular project where traffic flows
15 may change, I just think it's important that we all
16 keep that in mind, and knowing that those investments
17 that are made today are made for long-term
18 commitments.

19 BOARD MEMBER HEDLUND: Thank you.

20 MR. JEFFERIES: Um-hmm.

21 CHAIRMAN OBERMAN: All right. Does
22 anybody else have a question for Ian? All right Ian

1 thank you very much. Much appreciated.

2 MR. JEFFERIES: Thank you. All right.

3 Have a good rest of your day.

4 CHAIRMAN OBERMAN: Hope to see you soon.

5 MR. JEFFERIES: Likewise.

6 CHAIRMAN OBERMAN: All righty. Chuck
7 Baker, American Short Line and Regional Railroad
8 Association.

9 MR. BAKER: Hello Mr. Chairman, good
10 afternoon here, good morning to you.

11 CHAIRMAN OBERMAN: Hello Chuck.

12 MR. BAKER: My name is Chuck Baker. I'm
13 the President of the American Short Line and Regional
14 Railroad Association. We are the non-profit trade
15 association representing the interests of
16 approximately 500 short line railroads. As you all
17 know short lines operate about 50,000 miles of track
18 for about 30 percent of the national freight network.

19 And we connect thousands of manufacturers,
20 farmers and other businesses in small town and rural
21 communities to larger markets, urban centers and
22 ports. Approximately 478,000 employees nationwide

1 rely on short line services. Our railroads are small
2 businesses that maintain rail service over tens of
3 thousands of miles of light density lines throughout
4 the country, that in many candidates were candidates
5 for abandonment by their former owners.

6 Short lines hustle, scrap and fight for
7 every customer and every carload, so that they can
8 keep those services going, and they take the
9 responsibility to those customers and their
10 communities very seriously. On today's topic I will
11 state right up front that neither the Short Line
12 Association, nor any of our short line railroad
13 members are opposed to passenger rail service in
14 general, nor the Gulf Coast passenger rail service
15 specifically.

16 In fact, some of our members successfully
17 host passenger rail services today, and there are
18 many, many more who would eagerly welcome
19 collaborative conversations with Amtrak and states
20 about potentially hosting new or expanded services.
21 The establishment of new passenger routes, or
22 improvements to existing routes in general is a

1 perfectly reasonable objective, and we are well aware
2 of the long-standing interest in restoring Gulf Coast
3 service among many leaders, perhaps nobody more
4 prominent leader than the esteemed Senator Wicker who
5 we hold in the absolutely highest regard who did a
6 nice job this morning.

7 However, it is imperative that the STB
8 require any passenger rail service provider proposing
9 to start new service on freight owned infrastructure
10 to address potential impacts to the national freight
11 rail system before allowing the service to start.
12 We are concerned that the STB could set a bad
13 precedent in this case that would allow a passenger
14 rail service provider to come onto a host freight
15 railroad, take up limited capacity, and negatively
16 impact the delivery of freight service all without
17 injecting the amount of infrastructure investment
18 needed to avoid harm to current and future customers.

19 It is our understanding that there are
20 independent and credible studies in this case that
21 demonstrate that there would be meaningful harm to
22 freight railroad operations should Amtrak be allowed

1 to operate as proposed without offsetting investment.

2 The STB should review the reasonable set
3 of infrastructure projects that host railroads have
4 proposed to protect the quality of freight service on
5 the common line. Freight rail operations should not
6 be negatively impacted by the re-establishment of
7 Gulf Coast passenger service, nor should a precedent
8 be set that would result in freight rail operations
9 being harmed in other places throughout the country
10 as passenger rail inevitably grows over the next
11 decade, and beyond.

12 If the precedent is set, the passenger
13 rail service can be expanded without thoroughly
14 assessing and managing the impacts that host freight
15 railroads, the fluidity and efficiency of our
16 national freight rail system will be harmed. Short
17 lines would be harmed directly in instances where that
18 service is on short line, and harmed indirectly in
19 instances where that service is on Class I that
20 short lines rely on to provide fluid and efficient
21 service to our customers.

22 If freight rail service is harmed for the

1 benefit of passenger rail, it would be
2 counterproductive and a net negative for our country.
3 The widespread benefits of rail, safety,
4 environmental sustainability, congestion reduction,
5 and economic development come just as much, if not
6 more, from efficient and robust freight rail service
7 as they do from passenger rail service.

8 Let's not rob Peter to pay Paul. I urge
9 the Board to exercise caution in elevating passenger
10 over freight to the detriment of the network. As you
11 are well aware, the recently passed bipartisan
12 Infrastructure Law provides a massive amount of
13 funding for passenger rail, a minimum of 58 billion
14 dollars in guaranteed funding over the next five
15 years, and likely many billions more in discretionary
16 annual appropriations beyond that.

17 This investment allows for passenger rail
18 expansion to be done the right way, in a way that
19 protects the critical freight rail services already
20 being provided, and also creates new passenger rail
21 services that the country can be proud of. We are
22 sincerely hopeful that the STB rulings in this case

1 will create a helpful precedent going forward to
2 allow for the mutual success of freight and passenger
3 rail, and also to create a clear and transparent and
4 timely process for how new or expanded passenger
5 rail services can be introduced on host freight and
6 rail infrastructure.

7 Finally, for the benefit of the Board and
8 our short line railroads, the ASLRA has put together
9 a short list of suggested principles that should be
10 considered when evaluating potential new or expanded
11 passenger rail operations on host short lines. The
12 principles are written out in full in our written
13 testimony, and I'll do a very, very short summary
14 here, recognizing that we are about to have lunch,
15 and everybody wants to do that instead of listening
16 to me.

17 But one, safety must come first. Two,
18 regarding access and capacity a third party study
19 should analyze current and projected freight volumes
20 to consider any needed infrastructure improvements.
21 Three, full compensation for the use of the
22 infrastructure and the increased liability should be

1 provided by the passenger rail operator or sponsor,
2 negotiated in advance.

3 Freight railroads should not be expected
4 to subsidize passenger rail. Freight hosts must
5 evaluate all additional capital and ongoing expenses
6 that would be incurred for the new service,
7 including create crossing improvements, PTC, track
8 investment to upgrade class of track, dispatching
9 needs, additional facilities and additional insurance
10 needs.

11 And four, each project involving passenger
12 rail on freight owned corridors is unique, and so
13 unfortunately a one size fits all approach will not
14 be possible. Thank you all. I really appreciate the
15 opportunity to present the short line perspective
16 today, and I'd be very pleased to address any
17 comments or questions you might have either now or if
18 you want to take 31 minutes of lunch to think about
19 it, I can hang out for after that too.

20 CHAIRMAN OBERMAN: We love you very much
21 Chuck, but we have to move our schedule along, but
22 thank you for that very as usual thorough, thoughtful

1 presentation. Are there any questions from the Board
2 for Chuck? All right. Thank you much Chuck, you
3 know we will always think of things to ask you and
4 could reach out at some future date.

5 Hope to talk with you soon as well. With
6 that we are going to adjourn. Oh my God we are
7 exactly on time here, it's 12:30 eastern. We're
8 going to adjourn, and resume promptly a one o'clock
9 eastern, so thank you all, and I would say before we
10 ring off that because we are a little bit ahead of
11 schedule, if the folks in Panel 6 beginning with
12 Greg Canfield from the Alabama Department of Commerce
13 can, and all the others who are on the list can be
14 available we will get to you sooner than anticipated
15 on the written schedule because we are a little bit
16 ahead. So thank you all see you at 1:00 promptly.

17 (Lunch 12:30 p.m.)

18 CHAIRMAN OBERMAN: Good afternoon
19 everyone, and welcome back. We are back on the
20 record. And I am happy to say that we are joined now
21 by a very special witness, the Honorable
22 Representative Peter DeFazio who is Chair of the

1 House Committee on Transportation and Infrastructure.
2 A person well-known. I think everybody involved in
3 our industry, and probably at this hearing.

4 And delighted Congressman DeFazio you were
5 able to be with us, and the floor is yours.

6 CONGRESSMAN DEFAZIO: Thanks Chair
7 Oberman, Vice Chair Schulz, and members of the Board.
8 Thanks for holding this very important and timely
9 hearing today. I note there's quite a number of
10 people who have signed up to testify. You're going
11 to have a long couple of days, but hopefully this
12 will get finally some resolution on these issues.

13 I'm here obviously, to support Amtrak's
14 petition to restart service along the Gulf Coast. A
15 cooperative relationship between freight and Amtrak
16 is essential on this route, and elsewhere in America
17 to give Americans more opportunities to access
18 meaningful intercity passenger rail. Now you
19 obviously are quite familiar, and I won't go over all
20 of the history, but you know this Congress has been
21 very, very outspoken on this right, since the
22 original creation of Amtrak.

1 Now I've seen through the years I mean
2 obviously Congress has drastically underfunded
3 Amtrak, and we are now on a new path with Amtrak,
4 with the IIJA legislation, which was signed into law
5 a few months ago. And you know but now the biggest
6 barrier is getting enforcement of their statutory
7 rights, so they can add service in parts of the
8 country.

9 This is not the only route that they're
10 looking at putting additional service on, but the
11 precedent established that this hearing will be very
12 applicable to those future ones. You know we need
13 reasonable cooperation. I've tried to talk to the
14 freights about this. And you know I believe we have
15 the greatest freight rail system in the world, and we
16 want to keep that.

17 But I think there are places and ways by
18 just showing a little flexibility that we can also
19 have a great freight rail system, and we can have a
20 much better passenger rail system in this country.
21 You know, so you know, freight railroads have I think
22 the ability to do that, and notably they also have a

1 very strong legal mandate to provide Amtrak with that
2 level of service, access and preference.

3 The Passenger Service Act of 70 you know
4 the Board shall require a railroad to make
5 immediately available tracks on the facilities, and
6 codified in 49 USC Amtrak may make an agreement with
7 rail carriers to use facilities and add services
8 provided by the carrier.

9 Then we went on to define the role of this
10 Board in ordering access. Again, 49 USC the Board
11 shall order, shall order, that the facilities be made
12 available, services provided Amtrak prescribe
13 reasonable terms and compensation for using the
14 facilities and providing the service, those are two
15 key things -- shall order, and reasonable terms.

16 And this is where you know, the Board has
17 to exert its authority. You know in 1980 Congress
18 determined freight railroads were asking for inordinate
19 investments, and they established the Board's right
20 to requirement to give an expedited remedy. There's
21 been no gray area here. There has been a lot of
22 pushback that I've heard from the freight side, but

1 no, this is unambiguous.

2 There's nothing in the statute that would
3 justify these extraordinary delays, gross over
4 charges to access existing rail lines, which has
5 unfortunately characterized the attempts by Amtrak
6 to restore service on this route. This was a route
7 until Hurricane Katrina, and for years now Amtrak has
8 been attempting to restore it.

9 You know the DOT formed a working group,
10 and that included freight railroads to study,
11 estimate needed costs, and they came up with a figure
12 of 120 million dollars. But since then you know CSX
13 came up with a 2.3 billion dollar number, which was
14 then lowered by the CSX NS November 3rd filing to 400
15 million.

16 I don't know exactly what the right number
17 is. It may well be in the vicinity of the DOT number
18 it may be a bit higher. But the point is a
19 determination has to be made on what's reasonable.
20 And it doesn't seem that this is going to be
21 impinging upon service. I was very disturbed to see
22 the email that was sent out by one of the CEO's

1 trying to panic the customers.

2 So let's see, CSX can't handle more than
3 two more trains a day on a route which they now run
4 12 trains a day? I find that hard to believe, and I
5 hope that the customers understand that they're being
6 used in this case. So you know I think that you know
7 we've got to come to a number. There is money
8 available, as I said earlier, in the IIJA, and the
9 Board is going to have to play a key role in
10 determining the proper number that we can get the
11 access to restore this service.

12 And you will make a determination whether
13 this would unreasonably impair, and if it does
14 impair, what is reasonable in terms of compensation.
15 So you know we need to know in order to move forward
16 with the other investments in the IIJA that Congress,
17 you know this was written by republicans by the way,
18 and Joe Manchin and Krysten Sinema, not by me. It
19 would have been stronger and different.

20 And it would have been more money, but
21 this was written by republicans. And they want to
22 see these investments. It's a bipartisan bill. And

1 we can't make the investments if every time Amtrak
2 wants to look at a new route it's going to take
3 years, and you know, involve having to go to the
4 STB every time.

5 We can send a message now. The right is
6 going to be enforced, be reasonable, sit down, talk
7 with Amtrak. They want to talk, and they want to
8 work these things out to the benefit of freight and
9 passenger rail. So I thank you again for having me
10 here to testify, and you know I look forward to any
11 questions that you might have.

12 CHAIRMAN OBERMAN: Congressman thank you
13 so much for taking the time to be here. Among other
14 things, I have been practicing law for a long time,
15 and I have rarely, I don't think ever I've gotten to
16 hear from the person who actually writes the laws and
17 how we should apply them. That is a great advantage.

18 And your insight is second to none, so I
19 really greatly appreciate it. I think you were
20 thorough. I don't have any specific questions, but
21 other Board members might.

22 BOARD MEMBER PRIMUS:

1 Chairman DeFazio it's good to see you. I want to
2 thank you personally you've been a good friend and
3 supporter for many years. I'm sorry to hear that
4 you're going to be departing Congress, but I know
5 it's for greener pastures, so congratulations on
6 that.

7 And I just want to echo what Chairman
8 Oberman said. You know I do appreciate your
9 comments, and you know it's very important to hear
10 from someone who's been so involved in the process,
11 you know, not just Amtrak, but transportation overall
12 and rail transportation.

13 And you know I'd like to see if you could
14 also just to again you talked about how it's written
15 you know if you had a chance to write it, it would
16 have been stronger and different. You know talk
17 about you know how important you know passenger rail
18 is to you, this is not just a one off, just about
19 more importance to the country.

20 CONGRESSMAN DEFAZIO: Well I'll give a
21 parochial example. Oregon, we have Amtrak. I've got
22 the Talgo trainset in Washington. Oregon had one,

1 Washington has a couple. They're capable of 120
2 miles an hour. Now generally freight track isn't set
3 up for those sorts of speeds, but you know they could
4 reasonably go 50, 60, 70 miles an hour.

5 It's 110 miles from Eugene, Oregon to
6 Portland, Oregon, and on a good day it takes Amtrak
7 three hours to get there. I-5 is at capacity, and
8 expanding I-5 would be phenomenally expensive, a lot
9 of bridges would have to be removed or modified
10 dramatically. And there are many people who would
11 take the train to Portland if let's just say on a
12 really good day on I-5 you'll get there in your car
13 in two hours.

14 And you know if we could dependably get to
15 Portland in two hours, two hours 15, even two hours
16 and a half, but the three hours is a good day. A lot
17 of days the delays are even longer. That discourages
18 people from using the train as a viable alternative.
19 So Oregon has a program called Connect Oregon. They went
20 to UP and said we really want to improve the times to
21 Portland.

22 And so they came up with a deal where the

1 state put up money to build a mile long siding on it
2 with the idea that we would speed up, you know
3 Amtrak, the freights, giving the right of
4 preference. Unfortunately now, UP, I mean this whole
5 thing, this PSR started by the now deceased former
6 head of the CSX, has been you know getting longer and
7 longer and longer trains.

8 So now the trains are too long to fit in
9 the sidings that the state agreed to build to help
10 facilitate. So that's where the Board is going to
11 you know be involved on these sorts of things. And
12 so it's incredibly important, and there are many
13 other -- Amtrak is looking with all this money that
14 they've gotten through this legislation.

15 At other corridors around the country
16 joining new city pairs with decent service. It
17 doesn't have to be high speed, and it's never going
18 to be high speed if you're sharing right-of-way, but
19 it could be reasonable speed, and reasonable
20 preference, and it's also you know a great way to
21 help I mean freight rail is great in terms of
22 avoiding carbon pollution compared to trucking, but

1 passenger rail likewise is great in avoiding the
2 carbon pollution in terms of single occupancy
3 vehicles, or certainly and airplanes if you know they
4 do 400 or 500 mile routes.

5 So it's really key. And the legislation
6 that I had proposed, and at best I told the freights
7 a couple years ago in a hearing I said look, you
8 know, get more reasonable. Sit down and talk, or
9 you're not going to like the result. And I would
10 have legislated even stronger measures than we have
11 here, had that bill not been written behind closed
12 doors in the Senate. But there was plenty of
13 authority here for the STB to act, and to give us a
14 decent passenger rail system, and still the best
15 freight system in the world. Its good to see you again
16 Robert.

17 BOARD MEMBER PRIMUS: Thank you.

18 CHAIRMAN OBERMAN: All right. Thank you.
19 Any other Board members have a question for
20 Congressman DeFazio? Michelle?

21 VICE CHAIRMAN SCHULTZ: Chairman DeFazio,
22 first thanks so much for your willingness to be here

1 today, and for all of your insightful comments. And
2 I echo Chairman Oberman's thoughts exactly this is
3 this my first real opportunity to actually interact
4 with someone who made the law in this instance.

5 My question to you is whether you would be
6 willing to speak to what you believe would be the
7 necessary role of infrastructure in reinstating
8 passenger rail?

9 CONGRESSMAN DEFAZIO: Well you know there
10 are investments that are going to need to be made. I
11 mean first off we can look at the northeast corridor
12 where the federal government does own a good deal of
13 the right-of-way. I mean the estimates between
14 Washington, and Boston I think are close to 40
15 billion dollars in improvements are necessary.

16 I took the committee on a tour just from
17 D.C. to New York to see some of the best engineering
18 work of the 1800's. The tunnel under Baltimore built
19 1872, it's brick, and by the way it's pouring rain
20 inside because the water mains are leaking. It's not
21 going to last forever, there's also a sharp turn to
22 access that tunnel.

1 If that tunnel goes, then we will tie up
2 the whole east coast, and just incredibly. Then you
3 get to the Portal Bridge which finally is funded, and
4 you know it's going to begin construction. The
5 Portal Bridge when opened for ship traffic, they
6 have to get a crew of ten people up there, and one
7 big guy with a sledgehammer to get it to fully close
8 again, that project.

9 And we now have approval for the new
10 tunnels under the Hudson. Again you know, these
11 investments -- I mean those were well-done. And they
12 got a major upgrade in the great depression when they
13 put in the knee walls, and they put in the 12,000
14 volt continuous cable, which is now the concrete is
15 falling because of saltwater intrusion during the
16 hurricane, and then every once and a while the cable shorts out,
17 and it's very difficult to access and fix because it
18 is a continuous cable, as opposed to something more
19 modern and segmented that you know would be.

20 So we've got to build those new tunnels,
21 and then rehab the old tunnels, and then we would
22 have more than doubled our capacity. So and the list

1 goes on as you work your way up the east coast. Then
2 in other parts of the country Amtrak will have money
3 available now to go to, and do reasonable measures to
4 accommodate freight's reasonable concerns on some of
5 these other city pairs that they're looking at.

6 And so that again the money there is
7 critical, because yes there will be some costs, and
8 you know maybe we're going to have to build two mile
9 long sitings. I don't know how we're going to do
10 this, but one way or another we need to facilitate
11 more passenger rail in this country. It's a part of
12 the solution on climate change.

13 CHAIRMAN OBERMAN: All right thank you.
14 Any other Board members have questions for
15 Congressman DeFazio?

16 BOARD MEMBER HEDLUND: Mr. Chairman?

17 CHAIRMAN OBERMAN: Yes Karen.

18 BOARD MEMBER HEDLUND: Yes thank you.
19 Chairman DeFazio just a brief on this Board which
20 just started last month that we will have an
21 opportunity to take under consideration a proposal
22 for a high speed train that will connect Eugene,

1 Portland, Seattle, and Vancouver B.C.

2 CONGRESSMAN DEFAZIO: I'm -- that's a work
3 in progress because the people in Seattle and
4 Portland and Vancouver keep saying Portland to
5 Vancouver, I remind them that I established that as a
6 high speed route in 1991. I think goes to Eugene
7 which would serve the second largest city, state
8 capitol, and two major universities.

9 So yes I'm very hopeful that we're finally
10 going to move ahead on that after how long is that 31
11 years since I authorized that. Thanks Karen.

12 CHAIRMAN OBERMAN: All right. Thank you
13 very much Congressman, and I will echo what Robert
14 said. We're all going to miss you. I think you
15 probably earned the right to move on, but between now
16 and the time you leave if you need me to return the
17 favor of showing up in front of your committee to be
18 grilled, you know I'm available, or any of us.

19 CONGRESSMAN DEFAZIO: All right. I may
20 take you up on that.

21 CHAIRMAN OBERMAN: All right. Thank you
22 so much. I really much appreciate you taking time to

1 be with us.

2 CONGRESSMAN DEFAZIO: Okay, thank you all.

3 CHAIRMAN OBERMAN: All right Congressman.

4 Okay. We are going to move to Panel 6, and it is a
5 long panel, but I'm going to read all the names just
6 to alert people who I hope are tuned in that they are
7 up next. So I'm just going to read names quickly.

8 Greg Canfield, Jim Searcy, Ellen McNair, Chris Curry,
9 Brian Harold, Michael Lee, Kellie Hope, Matthew --
10 I'm sure I'm going to butcher this, Matthew Nicaud
11 and Eric Peterson. So Mr. Canfield, Secretary of the
12 Alabama Department of Commerce you are up.

13 MR. CANFIELD: Thank you very much. I
14 hope you can hear me loud and clear.

15 CHAIRMAN OBERMAN: Very clearly, thank you
16 sir.

17 MR. CANFIELD: Very good, thank you.
18 Thank you for the opportunity to visit with you today
19 and share some of the concerns. Amtrak's effort to
20 add new passenger service to the existing freight,
21 rail infrastructure in Alabama and elsewhere on the
22 Gulf Coast has certainly generated a good bit of

1 attention in recent months.

2 I listened a little bit this morning to
3 some of the comments that were being made in today's
4 public hearing, and I think while it appears much of
5 what's been focused on pertains to the carriers and
6 perhaps CSX in particular, you know perhaps this is a
7 strategy to kind of deflect some of the broader
8 issues which I'd like to address today, and those are
9 economic issues that are tied to this decision.

10 As Alabama's Secretary of Commerce, I've
11 got a responsibility of course to kind of add my
12 voice to this debate in hopes of expressing some of
13 those serious issues that need to be analyzed as part
14 of this Amtrak proposal. One of those issues is
15 certainly the long-term impact and the costs that are
16 expected to be shouldered by the State of Alabama, as
17 an item for review and consideration.

18 Amtrak's proposal that's before you would
19 be a new state supported passenger route. I know
20 I've heard it said today that this would be a restart
21 of an older route, but in effect it's been gone long
22 enough that this is in effect from a cost

1 perspective, a new route, particularly as it relates
2 to a state bearing some of that financial burden for
3 this.

4 And as one of those sponsors the State of
5 Alabama has told Amtrak that among other concerns we
6 have, we're not really interested in proceeding
7 unless federal funds are made available to build
8 enough new infrastructure to protect Alabama
9 businesses large and small. And those businesses
10 certainly rely on freight rail and that network, and
11 yet we're here today. We've raised those concerns in
12 part because Alabama's ports are an important issue
13 for us. They're absolutely essential to both the
14 free flow of commerce into our state's broader
15 economic health, including the Alabama jobs that are
16 supported in our state's economy.

17 If we look at the Port of Mobile alone it
18 is responsible for almost 26.8 billion dollars in
19 economic value. It helps to support about 161,000
20 jobs each year, and this facility is handling about
21 58 million tons of cargo for importers and exporters
22 each year.

1 Alabama continues to partner with the port
2 in support of its ongoing capital investments that
3 are designed to accommodate our forecast of even
4 greater volume in the years about to come as made in
5 Alabama products are exported to over 190 countries
6 across the globe.

7 The ports are really just one part of the
8 -- sorry, that's just the danger of talking live on
9 Zoom.

10 BOARD MEMBER FUCHS: It's a dog friendly
11 hearing.

12 MR. CANFIELD: I apologize for that
13 interruption.

14 CHAIRMAN OBERMAN: I'll just say this. No
15 aspersions on today's witnesses who have been great,
16 but there have been some in the past who were not
17 quite as articulate as that, so that was helpful.

18 MR. CANFIELD: He is definitely
19 articulate. So to kind of go back to the ports
20 that's just one part of our interconnected
21 transportation infrastructure to help keep our state,
22 and probably our nation competitive. And I know

1 there's been a lot of discussion about the marriage
2 and the importance of passenger rail as well as
3 freight rail and working in harmony.

4 And I don't believe our argument is
5 against passenger rail with the state. We believe
6 Alabama is an attractive place to do business, and
7 it's because our rails, our roads, our ports are all
8 working together so well to enable companies of all
9 sizes to take those goods that they're producing to
10 market.

11 We've had a lot of success attracting
12 major manufacturers like a number of companies and
13 suppliers in the automotive industry. They've helped
14 position our state as a major hub for increasingly
15 high-tech industry thanks in part to some of the
16 strength of this system that I just outlined.

17 Since my tenure I've been doing this for
18 about 10 and a half years, the State of Alabama since
19 2011 has seen 60 billion dollars in private sector
20 capital investment, which led to the creation of over
21 170,000 new high-paying jobs for our state. With
22 that backdrop, I must say that Amtrak's proposal is

1 concerning because it appears highly likely to upset
2 that delicate balance that makes our freight
3 infrastructure so dependable and efficient.

4 We're concerned that adding Amtrak's new
5 passenger service to the rail lines that service our
6 ports, and the countless business interest that we
7 have across the state from the automotive industry to
8 our coal producers, and myriads of others in
9 between, will fundamentally alter and adversely
10 impact the timetables, the cost structure, operations
11 and other dynamics that companies have come to expect
12 and depend on to do business in our state.

13 Adding more traffic without making
14 considerable investment in the expansion of the
15 infrastructure to support that additional traffic is
16 an obvious recipe we think for the degradation of
17 service. This means longer delivery timelines, less
18 dependable on time service, and overall less
19 efficiency in our system. We're all highly aware of
20 the disruptions that we're currently experiencing in
21 the supply chain, and the impact it's having on
22 everything from job layoffs, production stoppages,

1 the highest rate of inflation experienced in 40
2 years, and other impacts.

3 The direct impact on business and industry
4 is clear, and we believe it includes higher costs,
5 tighter margins and worse. But the indirect impacts
6 are equally concerning from my perspective, as an
7 official charged with helping to steward Alabama's
8 economic landscape. I mentioned that Alabama has
9 been successful at attracting and recruiting
10 significant investment, and the expansion from job
11 creators in recent years.

12 They are adding to a strong manufacturing
13 base with companies like Honda, Mercedes Benz,
14 Boeing, Polaris, and so many others that are
15 investing with growth in Alabama in part because
16 they know they can depend on a strong freight
17 network, and an efficiently operating Port of Mobile.

18 The additional expansion of our freight
19 network such as Montgomery's planned import, or
20 inland port facility we believe is going to add to
21 this growth, and it's going to underscore the
22 important role with balancing the interest across our

1 state to ensure stronger and better jobs for our
2 state and the people in it.

3 I am concerned that if Amtrak's proposal
4 is accepted in its current form, the attractiveness
5 of our business climate will erode. Companies
6 choosing where to spend their capital will no longer
7 consider Alabama a great choice. That will be
8 because of the uncertainty on the transportation and
9 logistics issue that could be impacted by this
10 decision if it's made in favor of Amtrak without
11 needed infrastructure improvements.

12 I would suggest that Amtrak should
13 actively engage with our stakeholders. This is a
14 Gulf Coast impact issue. It is very important to our
15 stakeholders in the State of Alabama that Amtrak be
16 actively engaged outside of just the rail partners,
17 but also understand what these impacts potentially
18 are on the potential for job loss, as well as impacts
19 on potential increases in inflation and other work
20 stoppages associated with work stoppages from issues
21 that deal with a logistics system that would not
22 potentially work as it does today.

1 I also suggest and am concerned that if
2 Amtrak moves forward with the current proposal as it
3 is this will set a new precedent, and that precedent
4 would be that passenger rail service can be added
5 without the necessary infrastructure upgrades that
6 are needed to ensure the region's rail network can
7 support this added traffic that Amtrak is seeking.

8 That's a precedent that our economy really
9 we don't believe can afford to be set. I appreciate
10 the Board's careful review of this proposal. I
11 appreciate the opportunity to appear before you
12 today. I know that this decision is not being taken
13 lightly and we certainly appreciate consideration of
14 the broader issues that we feel are important to us
15 in Alabama, so thank you.

16 CHAIRMAN OBERMAN: Thank you Mr. Canfield,
17 appreciate your taking the time. Are there any
18 questions for Mr. Canfield? All right. Thank you
19 much.

20 MR. CANFIELD: Thank you.

21 CHAIRMAN OBERMAN: We will move to Jim
22 Searcy, Executive Director of the Economic

1 Development Association of Alabama.

2 MR. SEARCY: Thank you Mr. Chairman and
3 other members of the Board. I am the Executive
4 Director of the Economic Development Association of
5 Alabama, EDAA. And EDAA is a membership based
6 organization. We've got approximately 500 members.
7 And we represent the economic development
8 professionals throughout the State of Alabama.

9 Our members are committed to collaborating
10 with EDAA staff, as well as our Board of Directors,
11 to cultivate a positive economic and policy landscape
12 for Alabama. We engage in professional development
13 of our members, but also have a very robust advocacy
14 and legislative program, or effort, and it is in
15 that capacity I'm speaking to you all today.

16 The southeast is one of the fastest
17 growing economies in the nation, and Alabama is
18 centrally located within the emerging power haves. In
19 recent years we've been effective in capitalizing on
20 our central location and strong transportation
21 network, attracting billions in new investment from
22 major manufacturers, high profile companies, while

1 also enabling small businesses to thrive.

2 As important as it has been for us to have
3 investment from large and medium sized companies from
4 outside the state, what is equally important is our
5 ability to work and develop efforts to expand our
6 existing industry. As most of you all know, most of
7 the jobs created come from expansion of existing
8 operations.

9 So what we tend to do is encourage that
10 initial investment, but also work diligently to
11 ensure that they further deepen their roots here, and
12 further invest in their organizations and operations.
13 This investment, this economic development success
14 is due in large part to the fact that Alabama has much
15 to offer the business community.

16 Obviously, low operating costs, strong
17 workforce, unique geography, and a wealth of
18 available sites. However, one of our most
19 significant competitive advantages is our ready
20 access to some of the best integrated freight
21 infrastructure in the country -- from ports to
22 railroads to air, and everything in between, companies

1 in Alabama have what they need to get their products
2 where they need to go, and that's a key factor in
3 determining where capital will be invested.

4 Invariably when companies evaluate states
5 or locations, and sites within states, they're
6 looking at workforce availability, but logistics
7 always in the top three of what their concerns are
8 and what their considerations are. So we think
9 Alabama is well positioned to take advantage of that.

10 As one of our state's most prominent
11 advocates for ongoing economic development, EDAA and I
12 closely monitor any potential policy shifts that
13 stand to influence our viability as a site for
14 future investment, either positively or negatively.
15 Amtrak's proposal has the potential to add passenger
16 service to freight railroads in Alabama and other
17 Gulf states, has the potential to negatively impact
18 the investment momentum in our economic development success
19 we've experienced over the last few decades.

20 And we want to ensure that Alabama
21 continues to be successful in our economic
22 development efforts. Freight rail is one of the

1 pillars of the transportation infrastructure that
2 makes Alabama an attractive place to invest. The
3 railroads operated by companies like CSX serve as
4 arteries that connect some of the world's most
5 productive manufacturers, as well as small operations
6 to the markets they serve, either directly, or
7 through facilities like the Port of Mobile.

8 Despite being one of the oldest means of
9 transportation that exists in the U.S., rail is also
10 among the most advanced, enabling companies to move
11 freight more reliably, safely, efficiently and
12 affordably than any other method. This is
13 particularly important in Alabama because we're
14 basically we're a very rural state, with the
15 exception of four major metros.

16 A lot of our economic growth and
17 development has been in rural parts of the state, and
18 it is incumbent upon Alabama's economic developers,
19 as well as the State of Alabama to make sure we
20 create opportunities not just in our larger urban
21 areas, but throughout our state, particularly in our
22 rural areas.

1 The strength of freight rail lies in its
2 precision, schedules that operate down to the minute
3 mean shippers know what to expect, and those on the
4 receiving end can expend on time delivery. This kind
5 of dependability is worth its weight in gold to major
6 companies, whose efficiency has direct impact on its
7 availability to prosper and continue to grow and
8 expand in the state.

9 New passenger train service added without
10 a truly collaborative process with these freight
11 railroads would wreak havoc on the tight timelines of
12 careful scheduling that make rail so powerful. Adding
13 these new routes without improving infrastructure in
14 kind would have a negative impact on traffic and on
15 time delivery, while also creating more congestion,
16 and generally upsetting the free flow of goods.

17 We're not opposed to passenger rail
18 traffic. As a matter of fact tourism and travel is
19 an important part of economic development, but we
20 just feel that the collaboration is necessary to make
21 sure that this is done with a minimal amount of
22 impact on our existing company, and our ability to

1 improve new investment.

2 Passenger trains on freight car lines work but
3 not without truly robust stakeholder engagement
4 transparency, public reports indicated that Amtrak
5 has been hesitant to join with other parties like the
6 railroads, policymakers, companies that move goods
7 via rail and through the ports and other entities to
8 ensure concerns like these noted above are thoroughly
9 remedied before the application is approved.

10 I would urge the the Surface Transportation
11 Board to encourage Amtrak to engage in these
12 necessary and productive discussions to address the
13 concerns, outlined and to ensure any additional passenger rail
14 service is not added without adequately protecting
15 the interests of the countless stakeholders, and
16 those businesses in Alabama that stand to be impacted
17 by the plan.

18 I appreciate the opportunity to speak to
19 you all today, and if you have any questions I'll be
20 more than happy to try to answer them.

21 CHAIRMAN OBERMAN: Thank you Mr. Searcy.
22 Are there any questions from the Board members?

1 Okay. Thank you much.

2 MR. SEARCY: Thank you.

3 CHAIRMAN OBERMAN: All right. Next is
4 Ellen McNair who is the Senior Vice President of the
5 Montgomery Area Chamber of Commerce. And let me just
6 make one very mild observation. I do not like to
7 artificially limit people, and I don't intend to, but
8 I would like to remind all the speakers today that we
9 have a very long list of speakers, and to do your
10 best to adhere to the time set aside for you within
11 reason, but I do not want to cut people off. With
12 that Miss McNair.

13 MS. MCNAIR: Yes sir. Thank you so much
14 for this opportunity and I'll do my best to be
15 extremely brief here.

16 CHAIRMAN OBERMAN: Take your time.

17 MS. MCNAIR: Well you've heard both
18 Secretary Canfield and Mr. Searcy speak from an
19 economic development statewide perspective. I'd like
20 to speak on behalf of the Montgomery Area Chamber of
21 Commerce, and the local economic developers about our
22 concern regarding the impact that Amtrak's proposed

1 Gulf Coast passenger service could have on the
2 freight rail service for businesses, specifically in
3 central Alabama.

4 As the economic development organization
5 for our area, we have been highly successful in the
6 recruitment, expansion and the retention of our
7 manufacturing community. In just Montgomery
8 County the auto industry in the past 20 years has
9 invested over 5 billion dollars into our county, our
10 chamber, our city, and our county leadership work
11 every day to support these companies who provide over
12 15,000 very well-paying jobs with an economic impact
13 of almost 5 billion dollars annually.

14 Part of our support includes work with the
15 Alabama State Port Authority on the future
16 development of an inland container port facility here
17 in Montgomery that Secretary Canfield referred to
18 earlier in his remarks. We're deeply concerned about
19 the impact that adding the passenger train service
20 over a largely single track Gulf Coast connector.

21 We're especially concerned given the
22 prospect that the passenger rail service may commence

1 without additional infrastructure. It's our belief
2 that without the proper study and the infrastructure
3 improvements, freight service will be adversely
4 impacted. Recurring freight train delays, decreased
5 train speeds, are certain to create additional
6 problems in the supply chain, and further hamper an
7 already difficult situation.

8 We request that the Board require Amtrak
9 to fund and facilitate the construction of our
10 infrastructure project to avoid any harm that might
11 come to the freight service. And that's the
12 conclusion of my remarks.

13 CHAIRMAN OBERMAN: You're very fast. Just
14 for my clarification when you say infrastructure
15 projects, did you have any specific ones you were
16 referring to?

17 MS. MCNAIR: Well in just of the impact
18 that this already obviously there's a great deal of
19 stress on our supply chain, especially in the
20 automotive sector where the Port of Mobile is hugely
21 assistance -- our automotive industry. So to put
22 additional strain on that particular segment we

1 really are concerned about the impact that this
2 additional passenger service would have on that
3 already really delicate situation there, so we really
4 would ask that additional infrastructure be provided,
5 so that not to in any way hamper the freight
6 situation in that area.

7 CHAIRMAN OBERMAN: So I take it your
8 statement is one of a support generally for
9 infrastructure without you're not specifying the
10 particular projects, you just think some are needed.

11 MS. MCNAIR: Absolutely, absolutely and
12 the impact that this would have. A careful study of
13 the impact that this would have on this very quickly
14 growing automotive sector in central Alabama. As
15 I've said we've already had about five billion
16 dollars invested just in our community in the last 18
17 years, almost 20 years with the opportunity for
18 significantly more investment, and as I said we get
19 up every day to support and encourage that
20 investment in our community.

21 CHAIRMAN OBERMAN: All right. Thank you
22 very much. Any other questions for Ms. McNair? Okay

1 thank you Miss McNair.

2 MS. MCNAIR: Thank you.

3 CHAIRMAN OBERMAN: Chris Curry, President
4 of the Mobile Airport Authority.

5 MR. CURRY: Thank you. Chairman Oberman
6 and members of the Board thanks for allowing me to
7 testify in this hearing. Can you hear me?

8 CHAIRMAN OBERMAN: Yes I can hear you
9 well.

10 MR. CURRY: All right. My name is Chris
11 Curry, President of Mobile Airport Authority. The
12 Surface Transportation Board has a strong record of
13 working collaboratively with a diverse set of
14 stakeholders to shape the future of the nation's
15 transportation sector in a positive and productive
16 manner. As the President of the Mobile Airport
17 Authority, I'm appreciative of those efforts because
18 I understand how deeply connected our various
19 transportation sectors are to one another.

20 From air to rail to sea, no mode of
21 transportation can operate at its highest potential
22 without close coordination amongst all modes of

1 transportation. Regulators like the STB play a vital
2 role in facilitating this kind of cooperation. As
3 you evaluate Amtrak's proposal for passenger rail
4 service on the Gulf Coast, it is essential that you
5 insist upon an increased level of collaboration and
6 transparency among all interested parties, including
7 the Mobile Airport Authority.

8 As you may be aware we're in the midst of
9 a 250 million dollar project to create a new
10 international airport terminal complex that will
11 shift commercial aviation services from the Mobile
12 Regional Airport located at the western edge of the
13 city to the Mobile Downtown Airport near downtown.

14 As you contemplate Amtrak's proposal, I
15 would underscore the importance of locating the
16 passenger station at the Mobile Aeroplex. Within the
17 airport's recently approved master plan we've
18 identified a location where a passenger rail platform
19 or terminal can be built. The first time I saw the
20 benefit of connecting rail service to an airport was
21 at South Bend Airport in Indiana, home of Department
22 of Transportation Secretary Buttigieg.

1 That station connected passenger service
2 provided by the south shore rail from Chicago to
3 South Bend, the western most destinations. As all
4 commercial traffic transitions to the new
5 international airport terminal at Mobile Downtown
6 Airport, our community will benefit significantly
7 from, and in fact is counting on a new passenger rail
8 station as part of that development.

9 The overall Downtown Airport expansion
10 plan includes dedicated space for a new passenger
11 rail station. In addition to helping to drive the
12 connectivity and integration that is so important to
13 a functioning transportation sector, the station
14 could also accommodate a layover facility if the
15 location becomes the terminus of Amtrak service in
16 Mobile.

17 Additionally, the Mobile Airport Authority
18 and the Alabama State Port Authority are partners in
19 a multimodal initiative to leverage the unique air,
20 sea, rail and highway serve assets certainly located
21 at the port in the downtown area. We have jointly
22 applied for the transportation demonstration program

1 grant administered by the U.S. Department of
2 Transportation. This program will leverage up to 100
3 million dollars in development at the Mobile Downtown
4 Airport, and the port's container intermodal
5 facilities to increase the efficiency of freight and
6 passenger movements.

7 This project will lead to improved business
8 competitiveness throughout much of the U.S. by
9 expanding intermodal and multimodal logistics options
10 for shippers, manufacturers and consumers. More than
11 a nice to have, the location of the Amtrak station at
12 Mobile Aeroplex, as opposed to the Legacy platform in
13 downtown Mobile, is essential to support this
14 community's transportation initiatives, and to the
15 coexistence of passenger and freight rail without
16 harming the Port of Mobile, or Mobile Airport
17 Authority.

18 Mobile Mayor Sandy Stimpson and the Mobile
19 Airport Authority are of one mind on this matter, and we
20 encourage the Board as well as Amtrak to ensure that
21 their plans recognize the importance of this position
22 as analysis and planning moves closer to a

1 conclusion.

2 At the end of the day it's really about
3 coordination. An Amtrak station at Mobile Aeroplex
4 would be a major boost for passenger connectivity,
5 would ease the strain on freight rail, and would help
6 Mobile reach its greatest potential when it comes to
7 the broad spectrum of transportation platforms.

8 We believe that with an Amtrak station
9 here, coupled with the airport and nearby
10 interstates, it will make our entire complex at city more
11 competitive in attracting additional businesses and visitors.
12 That's good news for everyone whether you're moving
13 freight to the Port of Mobile, easing the movement of
14 passengers from airplanes to trains, and into our
15 downtown.

16 Or as Amtrak is proposing moving
17 passengers across the Gulf to New Orleans. Thank you
18 for the opportunity to weigh in on this matter, and
19 I'm happy to answer any questions you may have.

20 CHAIRMAN OBERMAN: Thank you Mr. Curry.
21 You may be interested to know that Patrick Fuchs and
22 I, and our staffs, utilized your airport about two

1 and a half years ago, and we were impressed with it
2 and appreciated it. We were on our way down for a
3 field trip to explore another Alabama Institution,
4 the Olin Plant in McIntosh.

5 The question I have is what is the timing
6 roughly of the time you expect the new international
7 terminal to be open and up and operating?

8 MR. CURRY: Thank you. The new terminal
9 is scheduled to open the fall of 2024. We're on a
10 very progressive schedule. We've hired a progressive
11 design build team, and so fall of 2024.

12 CHAIRMAN OBERMAN: So if Amtrak were to
13 start operating and serving Mobile prior to that
14 time, and they built a station track where your
15 terminal is going to be, what's there now? Where
16 would passengers get -- what would they find when
17 they got on and off the train?

18 MR. CURRY: Well even though the new
19 international terminal is not open, we do have a low
20 cost terminal on the airport, so it is possible that
21 we could have passenger service here before the
22 international airport opens. So if they were to

1 build a station or platform, we would arrange for
2 transportation to move passengers between that
3 station and the low cost terminal.

4 CHAIRMAN OBERMAN: All right. So they
5 wouldn't be getting off the train and stepping out
6 into a vacuum someplace?

7 MR. CURRY: No they would not.

8 CHAIRMAN OBERMAN: All right. I just I
9 don't have a good picture in my mind, and that's very
10 helpful. All right. Are there any other questions
11 for Mr. Curry?

12 BOARD MEMBER HEDLUND: I have one. Mr.
13 Curry have any studies been done as to how many
14 persons would likely transfer at your airport from
15 Amtrak to use the services of the airport and vice
16 versa? I know this is something that airports around
17 the country are looking at and many of them
18 are now benefitting from.

19 MR. CURRY: Yeah. We have not done such a
20 study. The only study that we have done was based on
21 site selection.

22 CHAIRMAN OBERMAN: All right. Thank you

1 very much. Any other questions?

2 BOARD MEMBER PRIMUS: I have one real
3 quick.

4 CHAIRMAN OBERMAN: Go ahead Robert.

5 BOARD MEMBER PRIMUS: Mr. Curry was at the
6 passenger -- or Amtrak station at the international
7 airport, was that something that was in the initial
8 design, or was that added after you know the talks
9 about or the difficulty of the Amtrak Gulf Coast
10 coming back to the region?

11 MR. CURRY: As we were going through the
12 master plan study, which was approved last year, we
13 were also well aware of the challenges associated
14 with Amtrak. Consideration of putting a station
15 downtown. And again you know we work as a team with
16 the City of Mobile, and also with the port. And
17 we've always thought of this downtown complex being
18 a hub for transportation. It was only reasonable
19 that we would look at an option for a station on
20 this airport location.

21 BOARD MEMBER PRIMUS: And just one
22 follow-up. Have you had conversations with Amtrak

1 about that?

2 MR. CURRY: We have. They've actually
3 been in communication with the airport. There were
4 several representatives here that went to look at the
5 location, and thought that the location itself, and
6 the land was a great place for a platform or
7 station.

8 BOARD MEMBER PRIMUS: Thank you.

9 CHAIRMAN OBERMAN: All right. Anyone
10 else? Okay. Mr. Curry thank you much. Very helpful
11 testimony, appreciate it.

12 MR. CURRY: Thank you as well. Have a
13 good day.

14 CHAIRMAN OBERMAN: You too sir.

15 All right. We will next hear
16 from Brian Harold, Managing Director of the APM
17 terminals in Mobile.

18 MR. HAROLD: Thank you Mr. Chairman and
19 members of the Board for the opportunity to offer my
20 comments today. My name is Brian Harold. I'm
21 Managing Director of APM terminals here in the Port
22 of Mobile, a facility that maybe you can see behind

1 me. Our facility is the sole gateway for
2 containerized cargo in and out of the port.

3 APM terminals is the terminal operating
4 arm of the AP Moller-Maersk Group, which is the
5 largest integrated container logistics company in the
6 world, and we are one of the largest terminal
7 operators in the world. We operate 76 major port
8 facilities globally.

9 I've been Managing Director in Mobile here
10 for the past 11 years, and prior to that I was
11 Director of our facility up in the Port of New York,
12 New Jersey. And before that I opened and operated an
13 inland rail facility in Central Europe. My
14 responsibility currently in Mobile has been to
15 operate, manage and grow the container business and
16 intermodal assets here.

17 APM terminals and the Alabama State Port
18 Authority have partnered in developing both the
19 marine facility that you see behind me, and our
20 intermodal rail transfer facility which we've
21 collectively invested 450 million dollars to date.
22 I'm here today to provide perspective from my area of

1 expertise, and hopefully provide you insight into the
2 fluidity and functionality of this rail corridor
3 should Amtrak be granted access.

4 Our terminal opened in late 2008 at the
5 height of the supply chain crisis -- or at the height
6 of the recession. Container volumes have been
7 growing tremendously since that time, in fact the
8 Port of Mobile has been identified by the general
9 commerce during that time as the fastest growing port
10 in all of North America, which we're very, very proud
11 of.

12 In many years since 08, our growth hit
13 double digits, particularly in the past five, six
14 years. It's just been growing like crazy. And much
15 of the reason that Mobile has been attractive to
16 shippers is due to the high demand for new gateways
17 into the U.S. market right. As I'm sure you're aware
18 shippers tend to have habits right, tendencies.

19 They have preferences for certain ports,
20 railroads, steamship lines, trucking companies, et
21 cetera. And the 2008 financial crisis in a lot of
22 ways was a good time to open up a container terminal

1 and a new gateway because shippers were forced to get
2 outside their comfort zones and look for ways to
3 diversify their portfolios, their supply chains,
4 mitigate risk and save money.

5 So since that time Mobile has really been
6 emerging as what we would call it's an emerging
7 gateway in a mature market right, which is pretty
8 rare. Considering today's supply chain crisis, the
9 demand for Mobile has never been higher. Our
10 connectivity to deep water which is one of the
11 deepest in the nation and going deeper, we're
12 dredging from 45 feet to 50 feet, and that will be
13 done here in the next few years.

14 We have five Class I railroads, and we
15 have two major U.S. interstates, all capable of
16 servicing shippers across North America, and this is
17 all making Mobile attractive to shippers. To help
18 illustrate that growth there are currently five
19 weekly vessel services that come into the U.S. Gulf
20 from Asia.

21 Now all five of those vessels call Mobile.
22 All five of them call Port of Houston. Three of them

1 call New Orleans, two of them call Tampa. And
2 so the gulf has been a solid gateway, and a growing
3 gateway, especially for cargo coming from the Far
4 East for a number of years. But if you just go back
5 five years ago we only had one vessel service, so
6 that kind of illustrates how quickly it's going.

7 That one vessel five years ago was a
8 vessel that had a capacity of 4,000 TEU. Today of
9 the five vessels that call the Gulf weekly, they are
10 averaging almost double that volume of that one
11 vessel five years ago, and we're servicing vessels as
12 big as 9,000 TEU, and the port here in Mobile is
13 currently capable of servicing 14,000 TEU vessels,
14 which can be supported by the expanded Panama Canal.

15 And as the vessel -- as the ship channel
16 is dredged deeper, we'll be able to support the
17 largest container vessels in the world, talking
18 upwards of 20,000 TEU. And then in addition to the
19 gateway, and an attribute to the gateway is that it
20 has a very balanced trade, which is pretty abnormal
21 in the U.S. ports market right?

22 Especially where I came from in New York

1 where you know the vast majority of the cargo moving
2 across the docks is laid in import volume, those
3 boxes that are being loaded back are empty. But due
4 to the rapid growth, our terminal has completed two
5 expansions just in the last five years.

6 And APM terminals in the Port Authority
7 are in negotiations to deliver a fourth expansion in
8 the next 24 months. Concurrently, our intermodal
9 rail facility, which opened in late 2016, has
10 steadily increased its volumes. That growth exploded
11 in 2020, so in calendar year 2021, just our container
12 terminal grew 21 percent year over year.

13 With the intermodal rail facility more
14 than doubled its volumes, had 139 percent growth just
15 last year. There's a number of reasons for that
16 growth right? It's been our automotive
17 manufacturing sector which was mentioned earlier,
18 certainly the forestry products in our area, the
19 refrigerated facilities.

20 We have a new state of the art
21 refrigerated freezer facility that opened in 2021,
22 our refrigerated cargos grew by 50 percent last year,

1 and then certainly part of our growth is directly
2 attributed to the congestion occurring in other major
3 North American gateways, particularly those servicing
4 our major population centers in the Midwest,
5 including Pacific Coast and Canada, right, Vancouver,
6 Prince Rupert, et cetera.

7 The shippers relying upon Far East
8 shipments can actually transit the Panama Canal,
9 cargo moving into the Gulf, so a ship can come from
10 the Far East, get through the Panama Canal, offload
11 onto rail in Mobile, and have their cargo in Chicago
12 from the time it's loaded in a port in Asia, until it
13 gets to Chicago in 28 days, which is quite good, and
14 we can provide that on a very consistent basis which
15 shippers have come to appreciate.

16 Additionally, southeast manufacturers that
17 had been slow to ship their supply chains through
18 Mobile, have now contracted for permanent shifts into
19 Mobile due in part to the congestion and delays. So
20 in short, when the pandemic induced supply chain
21 crisis ends, our cargos will remain.

22 So I just wanted to summarize where we are

1 today, and I'd like to take just a quick minute to
2 talk about where we're going. We have two national
3 railroads that have announced rail expansions in
4 Alabama here to service both freight, and container
5 intermodal rail into the Port of Mobile.

6 A new intermodal inland port is planned
7 adjacent to a facility in Montgomery, and investments
8 are being made in the intermodal inland port in
9 Birmingham to add capacity. These inland ports will
10 connect directly to the intermodal assets in Mobile,
11 via the Port Authority's terminal railway
12 interchange, and the CSX mainline corridor, obviously
13 anticipated to be somewhat impacted by these
14 passenger rail trains.

15 Now many of the Port of Mobile shippers
16 and associated transportation service businesses see
17 Amtrak's petition as a clear threat to our expansion
18 and growth. Not because we're against passenger rail
19 -- we're not, absolutely not. I'd be a user of it
20 as I do a lot of business in Louisiana myself, but
21 because proponents failed to consider the impacts in
22 the CSX corridor that supports all freight and

1 intermodal rail trains in and out of the seaport
2 terminals.

3 As a terminal operator and logistics
4 service provider for shippers, I agree with those
5 concerns. I understand rail movements in and out of
6 the port, and I see our manageable heavy rail use
7 deteriorating into congestion, delays, and increased
8 cost to our customers if Amtrak is allowed on this
9 system without mitigating investments in the
10 corridor.

11 The railroads I referenced earlier is only
12 scratching the surface. Keep in mind we have five
13 Class I railroads here in Mobile. There are only two
14 major U.S. ports that actually have that right? The
15 other being New Orleans. Most major ports around
16 the country only have two Class I railroads.

17 The growth that I talked about earlier is
18 only through the Canadian National. CN is the only
19 one of those five Class Is that is moving intermodal
20 cargo in and out of Mobile today. Now you add to
21 that that Norfolk Southern and CSX have announced
22 clear plans to start intermodal rail service in the

1 near future. Now we've got three out of five coming.

2 Imagine the growth that we're going to see
3 on this rail network just in the next few years
4 right, and of course then we still have two more
5 Class I railroads, and there's good discussions and
6 things happening with Kansas City Southern currently.
7 So with this kind of rail access, the Port of Mobile
8 can play a critical role in strengthening our
9 country's supply chains to major population centers
10 in the Midwest and Southeast for years to come.

11 This supply chain crisis isn't just
12 something that has happened now and it's just going
13 to completely evaporate. We've known for a long time
14 that our supply chains in general are deficient, and
15 they need to be better. Now this port in Mobile is
16 a relief gateway for the national supply chain
17 crisis. We're managing our volumes, and we are
18 managing to maintain a stable and growing work force.
19 We're part of the solution the administration and
20 Congress is attempting to put in place to address
21 this crisis.

22 The transportation industry sees that the

1 supply chain crisis could endure into 2023, with some
2 assessments seeing a return to pre-pandemic levels by
3 2024. The crisis is a direct contributor to
4 inflation. Longer wait times for essential or
5 consumer goods and scarcity of products. Given the
6 current environment, Amtrak's approach neglects the
7 glaring challenges in our nation's supply chain, and
8 will only worsen and prolong the crisis.

9 The better approach is to require Amtrak
10 to work with the port and rail community to identify
11 the infrastructure needs, and for Amtrak to
12 potentially coinvest in the rail corridor
13 infrastructure to ensure there is adequate capacity
14 for both passenger rail and freight rail service.

15 The Gulf Coast simply put, needs to be
16 attractive to shipping companies right? We need the
17 gulf to be our third coast for our supply chain. In
18 order for that to happen, we need multiple, viable
19 ports of call that can provide larger volumes, and
20 support these vessels that are continuing to get
21 bigger and bigger. For Mobile to continue to be a
22 viable port of call for vessels that are expected to

1 double in size that requires continued growth on our
2 rail corridor for freight, simply put.

3 My company, our shippers and our
4 stakeholders see these issues worthy of due process
5 and consideration. We ask that the Board deny
6 Amtrak's petition as it currently sits until they add
7 a framework that will be respectful of freight
8 interests. Thank you for your time and
9 consideration. I appreciate it, and I'm happy to
10 answer any question you have.

11 CHAIRMAN OBERMAN: Thank you Mr. Harold.
12 I have a couple of questions. The 450 million dollar
13 intermodal terminal that you referenced, do I see
14 that on the picture behind you?

15 MR. HAROLD: Yeah sort of. Well it looks
16 backwards to me, but it's let me see yeah if you can
17 see it at my fingertip. It's right up here. So it's
18 about a quarter of a mile as the crow flies from the
19 container terminal.

20 CHAIRMAN OBERMAN: And how do the
21 containers get from what I'm looking at on the port,
22 to the intermodal connection?

1 MR. HAROLD: Yeah. So APM terminals
2 operates both facilities. We transport cargo from the
3 container terminal to that facility over the road
4 currently with ILA union labor. That's a transit of
5 about one mile. Now the Port Authority does have
6 plans here in short order to start construction of a
7 fly over bridge that will directly connect the
8 container terminal to the rail facility, so we won't
9 have to go over the road.

10 CHAIRMAN OBERMAN: Is there any plan to
11 have rail directly serve the terminal?

12 MR. HAROLD: Well I don't believe so, plus
13 all the connections come through the short line. The
14 Port Authority short line rail through their main
15 yard.

16 CHAIRMAN OBERMAN: Yeah, but does the
17 short line -- in other words you're going to build
18 tracks directly to the port, to your terminal so that
19 you don't have to ever put the containers on a
20 chassis?

21 MR. HAROLD: I'm not aware of any -- oh
22 you mean railroad to go directly into our container

1 terminal is that what you mean?

2 CHAIRMAN OBERMAN: Yes.

3 MR. HAROLD: No. No there is not. The
4 rail access for our terminal would have to cross the
5 only road that provides access for truckers into the
6 terminal from Interstate 10, so it wouldn't be
7 possible to move railroads directly into the
8 container terminal.

9 CHAIRMAN OBERMAN: Unless somebody built a
10 fly over.

11 MR. HAROLD: Well we do have a fly over
12 bridge currently that goes over the main lines, the
13 CSX main line, and I guess you'd have to see it, and
14 we'd love to host you down here some time to see it,
15 but I don't believe that it would be possible given
16 the proximity to the entrance of the container
17 terminal.

18 CHAIRMAN OBERMAN: The fly over over the
19 CSX line is a truck fly over?

20 MR. HAROLD: That's correct.

21 CHAIRMAN OBERMAN: I see. And you can't
22 there's not enough space there to build a rail line?

1 MR. HAROLD: No. No sir there's not.

2 CHAIRMAN OBERMAN: In the picture I'm
3 looking at, I don't know the date it was taken, it
4 looks nice and summery there, there are a lot of
5 containers on the ground. Is that what it looks like
6 today?

7 MR. HAROLD: Yeah, yeah actually it's this
8 picture was taken it was very congested at the time.
9 Thankfully we've been able to work out some things to
10 move cargo off dock to other facilities. So it's a
11 bit less congested, which is of course what we want.
12 We want this main artery to be fluid right? The
13 congestion that you see behind me was mainly driven
14 by increased dwell times for import cargos for you
15 know major importers such as Walmart, and Hyundai
16 Motors, et cetera.

17 CHAIRMAN OBERMAN: So if I understand
18 correctly, some of the containers have come in are
19 taken by truck over to your intermodal facility and
20 loaded on trains for their ultimate destination -- or
21 to an intermodal yard somewhere in Chicago or some
22 other place.

1 MR. HAROLD: That's correct. The CN,
2 their main focus with their current connection are to
3 the main logistics hubs in Memphis and Chicago.

4 CHAIRMAN OBERMAN: All right. And what
5 percentage of all the containers that come into your
6 port move by rail to those intermodal yards?

7 MR. HAROLD: Currently it's actually only
8 about 5 percent I would say. The expectation of that
9 is significantly higher, keep in mind the facility opened in
10 2016. It took a few years really before you know
11 there was enough capacity. I mean part of our
12 problem in Mobile, I guess it's a good problem to
13 have, but we have been a very strong tier one market,
14 so as steamship lines brought more ships in they were
15 very successful at filling those ships just you know
16 with cargos here in Alabama, Mississippi and the
17 Florida panhandle.

18 As those ships have grown, there have been
19 of course challenges that have arisen in supply
20 chain, they started using the railroad more and more,
21 so that 5 percent is really just on its first major
22 you know kind of strong growth here right? And then

1 of course as I've mentioned the recent addition
2 announcements of NS and CSX look to really blow the
3 top off that.

4 Our projections longer term expect for a
5 consistent 20 percent rail utilization compared to
6 trucking in and out of the facility.

7 CHAIRMAN OBERMAN: And that will result
8 from the new facilities in Montgomery and Birmingham
9 that you referenced?

10 MR. HAROLD: In part. Yes that's right,
11 and then of course growing demand in Chicago and
12 Memphis, we have good strong commitments from
13 shippers in those areas.

14 CHAIRMAN OBERMAN: When do you expect the
15 Montgomery and Birmingham facilities will be up and
16 operating?

17 MR. HAROLD: Well it's hard for me to say
18 from an APMT standpoint directly. I would estimate
19 that the Montgomery facility should open within I
20 would say the next 18 months. And then I haven't
21 seen the exact plans for NS in their improvements in
22 Birmingham, but the existing facility in Birmingham

1 that Norfolk Southern has, does have additional
2 capacity available, and they can support you know
3 additional cargo volumes going in there today.

4 CHAIRMAN OBERMAN: All right. And the 95
5 percent of your containers that are moving by chassis
6 are going over that fly over over the CSX tracks?

7 MR. HAROLD: That's correct.

8 CHAIRMAN OBERMAN: So that traffic would
9 not be affected at all by any passenger trains on the
10 CSX tracks correct?

11 MR. HAROLD: That is correct.

12 CHAIRMAN OBERMAN: All right. Okay. Just
13 trying to get a complete picture. I'm sure we'll
14 hear more from the port. And do your containers that
15 go by rail from your intermodal facility go on the
16 TASD short line?

17 MR. HAROLD: Yes they do.

18 CHAIRMAN OBERMAN: And where do they go?

19 MR. HAROLD: Well so mainly they're pulled
20 out. They go ultimately to a CN marshalling yard,
21 which is on the northern side of Mobile where they're
22 ultimately assembled with merchandise trains, and

1 then they're moved to Jackson, Mississippi, where
2 they are then met by intermodal rail service that
3 also goes out of New Orleans, and then they travel
4 together up to Memphis, and ultimately to Chicago.

5 CHAIRMAN OBERMAN: So all of your
6 containers that go by rail are going on CN? Is that
7 right?

8 MR. HAROLD: Currently CN is the only one
9 that's offering intermodal rail service, that's
10 correct. Now they're connected via the Port
11 Authority short line.

12 CHAIRMAN OBERMAN: But so when the
13 Montgomery and Birmingham Yards open the intermodal
14 facilities you're talking about, how are your
15 containers going to get from the port to there?

16 MR. HAROLD: It will be a similar
17 situation where all the trains are handled in and out
18 by the Port Authority right on their short line.
19 Ultimately, traversing the main line, the CSX main
20 line to get to the Port Authority's main marshaling
21 yard, and from there they would be transferred off to
22 NS and CSX respectfully.

1 CHAIRMAN OBERMAN: So the other Class Is
2 interchange at the CN, the marshalling yard you
3 talked about.

4 MR. HAROLD: Yes sir.

5 CHAIRMAN OBERMAN: All right. Okay. Got
6 the picture. You may get me down there to look at it
7 myself. I'm not good at abstract thinking.

8 MR. HAROLD: Any time.

9 CHAIRMAN OBERMAN: So thank you very much.
10 Any other Board members have questions for Mr.
11 Harold? All right. Very through presentation, thank
12 you.

13 MR. HAROLD: Thank you.

14 CHAIRMAN OBERMAN: Next up is Michael Lee,
15 Chairman of the Alabama District Export Council.

16 MR. LEE: Yes okay. Can you hear me okay.
17 I'm trying to turn the camera on right now.

18 CHAIRMAN OBERMAN: Yeah I can hear you,
19 but I can't see you. Here we are.

20 MR. LEE: Here we are. Okay. First of
21 all thank you Mr. Chairman and Board members for
22 giving us the opportunity to speak to you today. Can

1 you hear me okay?

2 CHAIRMAN OBERMAN: I can hear you loud and
3 clear.

4 MR. LEE: Okay. My name is Michael Lee.
5 I'm President and CEO of Page and Jones. We are an
6 international shipping and logistics company. We are
7 located here in Mobile where we were founded in 1892.
8 We have offices in six states, including all five of
9 the Gulf states that border the Gulf of Mexico.

10 We represent companies of all sizes, some
11 of them are large multinationals, some of the biggest
12 in the world what they do, and others are mom's and
13 pop's and small businesses around the southeast. I'm
14 also Chairman of the Alabama District Export
15 Council. The District Export Council is sanctioned
16 by the National District Export Council.

17 All of our members are appointed by the
18 Secretary of Commerce. And the goal and the charter
19 of our organization is to help promote exports, and
20 to assist Alabama companies and manufacturers in the
21 area in accessing efficiently foreign markets
22 everywhere. Worldwide really.

1 I'm also President of the Mobile Steamship
2 Association, that's an association that represents
3 the steamship agents, stevedores, companies that
4 represent the ship owners and cargo interests that
5 use the port. You've heard about that and I'm not
6 going to go into a lot of detail. You've heard you
7 know very well the description of how the growth in
8 the manufacturing sector over the last decade or more
9 in this area.

10 The point I hope to make is that these
11 manufacturers, and the hundreds of thousands of jobs
12 you've heard they represent statewide, are
13 responsible for a huge amount of export transactions
14 and shipments worldwide. This is not only a critical
15 part of their business model, but is a highly valued
16 edition to the U.S. balance of payments, and that's
17 the reason why these export councils were formed to
18 try to promote exports because of the importance it
19 is to the U.S. economy.

20 These exports obviously depend heavily on
21 the Port of Mobile and the ability to move cargo
22 economically and efficiently through the port. The

1 rail is a huge part of that, and you've heard how
2 much growth we've had. Brian has described how fast
3 the container terminal is growing. As that grows
4 these exporters depend more and more on the ability
5 to move that cargo efficiently.

6 We're seeing a huge shift toward rail, as
7 you've just heard. I don't think -- we, as Brian
8 said, we've scratched the surface. There's
9 tremendous difficulty nationwide with trucks. We
10 are experiencing that here. We're struggling to get
11 enough trucks to move our customers' cargo, and along
12 with that comes a desire to shift as much,
13 particularly in the container area to the intermodal
14 transport that you've heard us talk about.

15 There's a lot of investment being made in
16 that. You've heard about Montgomery, Birmingham.
17 The port has already done that, and some of the
18 facilities that Brian just described to you. Our
19 feeling as the Export Council is that these rail
20 traffic studies have to be completed.

21 We have to find out the effect on the
22 freight movement, and once that's determined decide

1 what additional infrastructure needs to be put into
2 the system, and we need to find out where those
3 investments are coming from on a much clearer method
4 or basis than some of the general statements we've
5 heard about funds are available where investments
6 will be made.

7 We think this is very important to be done
8 before the passenger rail is inserted into the
9 system. Some of the comments I heard today if I
10 could address those for a minute. You know the
11 difference and the statements made about the rail and
12 the passenger operated side by side very effectively
13 prior to Hurricane Katrina.

14 Well you've heard the dramatic growth.
15 There is really no comparison in 2005. Small
16 companies like us have more than doubled in size in
17 that time, and the clients we represent by many
18 multiples of that. So we feel like these things are
19 going to have to be considered. We're not against
20 passenger rail as you've heard Brian say.

21 We're hopeful that the two can both be
22 established and run efficiently, but we feel very

1 strongly that the attempt now by Amtrak is to move
2 into this system without the proper study, and the
3 proper -- we feel very strongly it's going to show
4 that specific investments need to be made, and we'd
5 like to hear about what those investments are.

6 I appreciate the time today, and you know
7 the thoughts you guys are putting into this and the
8 effort you're showing. And I'll also be happy to answer any
9 questions.

10 CHAIRMAN OBERMAN: Thank you much Mr. Lee.
11 Any questions from any of the Board members? All
12 right. Much appreciate your taking the time to be
13 with us.

14 MR. LEE: Thank you.

15 CHAIRMAN OBERMAN: We will move on to
16 Kellie Hope, Vice President of Community Engagement,
17 and the Director of Regional Affairs, Southern Region
18 of the Business Council of Alabama.

19 MS. HOPE: Good afternoon hi.

20 CHAIRMAN OBERMAN: Hello there.

21 MS. HOPE: How are you? So I will start,
22 thank you very much to the distinguished members of

1 the Board. Can you all see and hear me?

2 CHAIRMAN OBERMAN: We can hear you and see
3 you.

4 MS. HOPE: Okay, okay, very good. Thank
5 you to the distinguished members of the Board for the
6 opportunity to state for the record the position of
7 our members and stakeholders in this matter. As I
8 said my name is Kellie Hope. I am the Vice President
9 of Community Engagement for Southern and Southern
10 Regional Director for the Business Council of
11 Alabama.

12 The Business Council is the united voice
13 for Alabama businesses, representing nearly 1 million
14 working Alabamians to ensure businesses of all sizes
15 grow and flourish in our state. The BCA represents
16 statewide chambers of commerce, utilities, financial
17 and risk institutions, manufacturers, agri-business
18 and mining, retail and distribution, and
19 transportation companies, and we want to ensure the
20 voices of Alabama businesses are heard not only at
21 the state level, but also at the federal level in
22 D.C.

1 I'm here today to carry our voice in
2 opposition to Amtrak's current petition before this
3 distinguished body. Our members think that granting
4 Amtrak's application under Amtrak's current terms
5 will harm rail freight service, not only in and
6 around the Port of Mobile, Alabama, but could
7 contribute to the degradation of rail services within
8 rail networks across the state and beyond.

9 Alabama's seaport is one of the nation's
10 largest, and soon to be one of its deepest. This
11 seaport averages 58 million tons of U.S. trade
12 annually. Alabama has one of the most diverse and
13 connected freight and intermodal rail networks in the
14 country. Five Class I railroads, and our many short
15 line railroads service BCA members' rail cargo into
16 and out of very large and rapidly growing seaports.

17 The state's freight rail networks with the
18 exception of CSX terminate at Alabama State Port
19 Authority's terminal railway switch yard at the Port
20 of Mobile, and must utilize the terminal railway to
21 access the public freight and intermodal cargo
22 terminals at the main port complex.

1 Alabama's CSX shippers must also use the
2 Port Authority's terminal railway to access the main
3 port complex. The CSX is the only railroad with
4 through service at the port that provides Alabama
5 shippers access to its east/west Gulf Coast corridor
6 customers in Louisiana, Mississippi, Alabama and
7 Florida.

8 This rail configuration at the Port of
9 Mobile is rather unique amongst most port rail
10 systems, as it levels the cost playing field for both
11 Alabama and U.S. rail shippers seeking competitive
12 rates in and out of a major U.S. gateway. Not one
13 railroad has direct access or a monopoly in and out
14 of the primary bulk, the general cargo, the railroad,
15 or container intermodal terminals at the Port of
16 Mobile.

17 This arrangement supports cost competitive
18 rate structures for rail users who are business
19 council users and members. Our members are acutely
20 aware that the Port Authority's terminal railway must
21 cross or transit the CSX main line at the Port of
22 Mobile to carry freight and intermodal cargo

1 originating from, or loading to eight railroads, five
2 of which have network services to points across the
3 U.S., Mexico, and Canada.

4 Freight rail inefficiencies on the CSX
5 corridor will ripple into the switchyard and upstream
6 networks servicing our port. The net results are
7 inefficient cargo operations at the seaport, and
8 inefficient service and delays within the upstream
9 connecting networks. To impede service fluidity, and
10 generate congestion at the Port of Mobile will
11 generate freight flow inefficiencies, impose costs,
12 and reduce our members and thus our business
13 competitiveness in the global marketplace.

14 Fundamentally the Business Council has no
15 objection to the introduction of passenger rail
16 service in Alabama. We are against forced access
17 onto any rail network without the benefit of a
18 complete study of host and other rail user impacts.
19 We are also against Amtrak's petition to enter these
20 networks without making mitigating investments in the
21 rail infrastructure to ensure freight shippers, our
22 members are not adversely impacted.

1 As my organization understands the
2 situation Amtrak did not consult with our port and
3 its switching railroad, much less study the currently
4 proposed passenger rail schedules' impact on freight
5 mobility in and out of this nation's 11th largest
6 seaport by volume.

7 We will go further to suggest that the
8 passenger rail proponents did not consider the Port
9 Authority, or its terminal railway in advocacy or
10 planning efforts. We would like to think that's a
11 genuine oversight, but nonetheless it is something
12 that has occurred. So for these reasons the Business
13 Council of Alabama encourages the Board to deny
14 Amtrak's petition.

15 Our members would like to recommend this
16 distinguished body please compel Amtrak to return to
17 the table to one, commit to a full, complete freight
18 rail study that includes both host railroad and
19 Alabama Port Authority terminal railway utilization
20 of the CSX main line corridor that considers the
21 newly added stops in Mississippi, and fully considers
22 the existing infrastructure, which includes seven

1 very substantive presentation. Thank you.

2 MS. HOPE: Thank you.

3 CHAIRMAN OBERMAN: Does anybody have any
4 questions for Miss Hope? All right thank you much.
5 With that we will move forward to and Matthew I'm
6 going to ask you to pronounce your name because I'm
7 sure I messed it up twice already, from the
8 Mississippi Center for Public Policy.

9 MR. NICAUD: Yes sir, my name is Matthew
10 Nicaud, and I'm with Mississippi Center for Public
11 Policy. We're based in Jackson, Mississippi, and we
12 represent free market principles and the benefit of
13 taxpayers, and we do that through analysis and
14 research of pressing issues.

15 So we've been following this since 2019,
16 and we have -- there were two primary areas that we
17 wanted to highlight. Number one it would be a burden
18 on taxpayers. And then number two it would also be
19 the questionable benefit that this would have for
20 every day citizens.

21 So in the first place it's important to
22 note that while Mississippi roads and bridges are in

1 desperate need of repairs and improvements, there
2 will be millions of state dollars and federal
3 dollars that would go to the Amtrak proposal. From a
4 transportation infrastructure perspective, this would
5 have very little quantifiable benefits for
6 Mississippians.

7 According to an annual infrastructure
8 report produced by the American Society of Civil
9 Engineers, Mississippi's overall infrastructure was
10 given a D rating, while the report divided the
11 state's infrastructure ratings into categories, it's
12 roads were also given a D rating, while it's
13 railroad's infrastructure was given a B rating.

14 Along with Board's railroads and railways
15 had the highest rating of any other category, this
16 shows that road funding should have a higher priority
17 for taxpayer funds than a passenger railway project
18 that would not cover an area that does not have
19 adequate roadways. In other words, when we look at
20 the Mississippi Gulf Coast, we already have very
21 adequate infrastructure for transportation purposes
22 in the form of our roadways, and therefore this would

1 not fill a void so to speak in regard to
2 transportation.

3 And furthermore, we conducted a study to
4 analyze the actual cost benefits that this railway
5 would have for those that utilized it. So what we
6 did was we looked at if you're going from Mobile to
7 New Orleans, based upon the federal mileage
8 reimbursement rate that would be approximately \$85.00
9 to \$90.00 going by car.

10 Meanwhile the average train ticket would
11 cost approximately \$150.00 all the way up to \$280.00,
12 depending upon what type of class is used. And so
13 for those reasons number one, that's a burden on
14 taxpayers, and number two, the questionable benefits
15 if you're a family of four, and you're deciding
16 whether or not to use a train or a vehicle, it just
17 begs the question of whether or not that many people
18 would be utilizing this strictly for transportation
19 purposes, granted there may be tourism reasons that
20 they may choose to use it.

21 But as far as Mississippi is concerned, we
22 need real infrastructure that can actually transport

1 Mississippians based upon getting from point A to
2 point B, and unfortunately Mississippi has not
3 accomplished that yet, and we need to focus federal
4 and state dollars on roadways and/or projects that
5 would actually serve underserved areas. I'm happy to
6 answer any questions.

7 CHAIRMAN OBERMAN: Thank you Mr. Nicaud.
8 I just had a couple. Where did you get the figure of
9 \$150.00 for a rail ticket from New Orleans to Mobile?

10 MR. NICAUD: This was based upon other
11 routes that were approximate according to other
12 areas, and of course we used a range based upon other
13 routes, and of course because it's not currently a
14 route that's being utilized, we don't have exact
15 numbers. But with that being said, even if it was a
16 slightly lower, you know we're talking about a
17 federal reimbursement rate that's almost double what
18 it would be for road.

19 CHAIRMAN OBERMAN: Well I'm just curious
20 about what 150 mile Amtrak route costs \$150.00. I
21 happen to be looking at the coach fare from
22 Washington, D.C. to Chicago, and that's \$84.00, and

1 that's way longer than 150 miles, so I'm just
2 wondering where that number comes from.

3 MR. NICAUD: Yes. I'd have to look back
4 at the report. I know that I did not personally
5 produce that number, but I'm happy to get back to you
6 if you'd like me.

7 CHAIRMAN OBERMAN: And Amtrak has not
8 published any suggested fares for the Mobile to New
9 Orleans route has it?

10 MR. NICAUD: Not that I'm aware.

11 CHAIRMAN OBERMAN: All right. And I
12 missed I think, you must have been putting it
13 through, the Mississippi Center for Public Policy is
14 -- can you tell us a little bit more about that
15 organization?

16 MR. NICAUD: Sure. So we're a free market
17 non-profit organization that represents the interests
18 of taxpayers and citizens based upon free market
19 principles, and conservative principles, and we see,
20 and we analyze policy and policy proposals. And
21 since this ties into state and federal funding, we
22 found this to be an important issue, and therefore we

1 decided to consider the issue.

2 CHAIRMAN OBERMAN: Okay very good. I
3 appreciate your taking the time to let us hear your
4 views. Any other questions for Mr. Nicaud? Now I
5 know how to pronounce your name. Anybody else? All
6 right. Thank you.

7 MR. NICAUD: Thank you sir.

8 CHAIRMAN OBERMAN: All right. And the
9 last person on this panel is Eric Peterson from the
10 Pelican Institute for Public Policy.

11 MR. PETERSON: Thank you so much. My name
12 is Eric Peterson, and I work at the Pelican Institute
13 for Public Policy, a free market think tank based in
14 New Orleans, with the mission of ensuring every
15 Louisianan has the opportunity to flourish. I'm
16 also a resident of New Orleans and attended Tulane
17 University.

18 I am testifying today to encourage you to
19 reject the proposal to create an Amtrak line between
20 New Orleans and Mobile, Alabama. Let me start by
21 saying the Pelican Institute takes no position on the
22 question between Amtrak and other rail companies

1 which we have heard a lot about today, while
2 determining whether Amtrak passenger trains would
3 disrupt the flow of goods on this route is certainly
4 important, especially during this period of supply
5 chain issues that is beyond the expertise I can
6 offer.

7 Rather, I am here to speak to you about
8 using taxpayer funds, specifically those provided by
9 the taxpayers of Louisiana on this project. As a
10 Louisiana resident I can attest the State of
11 Louisiana's roads and bridges are in desperate need
12 of repair and expansion. A recent report from the
13 Reason Foundation ranked Louisiana 43rd in rural
14 interstate pavement condition, and 49th in urban
15 interstate pavement condition.

16 It's aerial pavement conditions fared
17 little better ranking at 44th and 38th for rural and
18 urban respectively. As a New Orleans resident, I can
19 attest that this issue is both reflected in my
20 insurance rates, and in the many potholes that I had
21 to drive around today to make it to the office.

22 The problems that Louisianans face every

1 day when it comes to these issues would not be solved
2 with passenger trains from Mobile to New Orleans, and
3 we believe in fact would make them worse. Estimates
4 for getting this railway up and running are in the
5 tens of millions of dollars. Even accounting for the
6 federal funds, which we heard a little bit about
7 today, Louisiana, as well as Alabama and Mississippi
8 would have to kick in millions of dollars apiece.

9 As previously stated, these funds would be
10 better spent on roads throughout the state, rather
11 than on a train line that is estimated to serve less
12 than 40,000 riders annually. But beyond the upfront
13 costs, the ongoing costs are a larger concern for us.
14 It is well-known that the only profitable portion of
15 Amtrak service lines are in the densely populated,
16 affluent northeast corridor.

17 This area benefits from high ridership and
18 cities that have extensive public transportation
19 networks after the passengers are dropped off. New
20 Orleans, Biloxi, and Mobile lack these
21 characteristics, which make the northeast line both
22 desirable for passengers and profitable. This means

1 that Amtrak will likely require long-term government
2 funding to continue running this line.

3 As the federal grants for this project to
4 get off the ground will continue to scale back, this
5 means more funding will be required from the states.
6 If there is a market for such a rail line, it should
7 not require government funding to subsidize. The
8 government has no lack of other infrastructure
9 spending needs, and reopening this rail line is not one
10 of them.

11 Louisiana, as well as Alabama and
12 Mississippi should rethink their decision to let the
13 market handle this approach, and I'd be happy to
14 answer any questions. Thank you so much for your
15 time.

16 CHAIRMAN OBERMAN: Thank you Mr. Peterson.
17 You know I come from a background of public
18 transportation among other things, I have many
19 backgrounds, but that's one. Do you know of any
20 public transportation system in the United States
21 which isn't subsidized to some degree?

22 MR. PETERSON: I can't say that I know off

1 the top of my head. It is entirely possible that
2 some exist who are profitable. Like I said I used to
3 live in the Acela corridor in Washington, D.C. that
4 was obviously very, you know both profitable and
5 widely used.

6 CHAIRMAN OBERMAN: Well you're not saying
7 Acela brought in enough money to pay for both
8 operating and infrastructure costs are you?

9 MR. PETERSON: I know that they on their
10 books every year they often show a positive balance,
11 which is different than many of the other Amtrak
12 lines.

13 CHAIRMAN OBERMAN: You wouldn't take the
14 position at your organization that no public transit
15 should operate if it requires a public subsidy though
16 do you?

17 MR. PETERSON: I think we're taking the
18 position that running public transportation,
19 especially Amtrak, at a deficit when the funding
20 could be spent elsewhere is a poor use of taxpayer
21 funding.

22 CHAIRMAN OBERMAN: So you're limiting your

1 opposition to public subsidies to Amtrak and not all
2 transit, is that the best way to understand your
3 view?

4 MR. PETERSON: I would say the way that we
5 would express this view is that running public
6 transportation at a deficit loss, even you know
7 excluding infrastructure costs would be a mistake,
8 and those dollars could be better spent elsewhere
9 like we said on the roads that Louisiana struggles
10 with. So it would be our position that Louisiana
11 would be better off spending this money on roads,
12 rather than restarting this Amtrak line.

13 CHAIRMAN OBERMAN: But I'm just trying to
14 get the scope of the philosophy of your organization.
15 Is it opposed to subsidizing all public transit?

16 MR. PETERSON: I think I would say I would
17 limit our comments to this specific construction
18 project.

19 CHAIRMAN OBERMAN: Just this line in other
20 words?

21 MR. PETERSON: Yes that's correct.

22 CHAIRMAN OBERMAN: Okay. All right.

1 Anybody else have a question for Mr. Peterson?

2 BOARD MEMBER HEDLUND: I have a follow-up
3 question. Mr. Peterson have you done a cost benefit
4 analysis comparing cost benefits of rail versus
5 highways, versus air?

6 MR. PETERSON: No I have not.

7 BOARD MEMBER HEDLUND: Thank you.

8 CHAIRMAN OBERMAN: Okay. No further
9 questions, thank you Mr. Peterson.

10 MR. PETERSON: Thank you so much.

11 CHAIRMAN OBERMAN: Appreciate your taking
12 the time to come speak to us. Okay. We will move
13 on. I understand that Councilman Lewis may become
14 available soon to come back to us, so for the moment
15 however I don't hear that he is with us yet. So why
16 don't we move on to Panel 7. And Panel 7 is the
17 following: Michael Silverman, Michael Hecht, George
18 Freeland and Patrick O'Malia. So Mr. Silverman are
19 you there? You are.

20 MR. SILVERMAN: Yes sir Chairman Oberman.

21 CHAIRMAN OBERMAN: City Manager from the
22 City of Pascagoula.

1 MR. SILVERMAN: Yes sir, that is correct.
2 Chairman Oberman and Board members I want to thank
3 you for your time today in allowing me to testify
4 before this Board. I am Michael Silverman, the City
5 Manager for Pascagoula, Mississippi. Pascagoula,
6 Mississippi is one of four designated truck stops for
7 the Amtrak passenger train. I would like to
8 highlight the fact that Pascagoula, Mississippi has
9 some of the largest industries on the Gulf Coast, and
10 the City of Pascagoula is very supportive of the
11 Amtrak passenger train.

12 We believe this is something that is going
13 to be an essential part of our community, and prior
14 to Hurricane Katrina, was an acting passenger train
15 that provided a great deal of support to our area.
16 There are a few key things that I want to highlight
17 to really emphasize the support and why the City of
18 Pascagoula is behind the Amtrak passenger train
19 project.

20 First off being the planning phase, the
21 City of Pascagoula, along with Bay St. Louis, Biloxi
22 and Gulfport have put a substantive amount of time in

1 planning for the arrival of this passenger train.
2 And the City of Pascagoula's end, we've spent
3 approximately seven years working with the Federal
4 Railroad Administration and Amtrak to get our depot
5 and plans lined up to accommodate their passenger
6 train.

7 I think the resources and time that's not
8 only been put in by staff, by Amtrak and the Federal
9 Railroad Administration, highlights the level of
10 detail and thought that all these agencies have put
11 into setting up this plan. The second component that
12 I really want to focus on is something that has been
13 mentioned consistently throughout this public hearing
14 process is economics.

15 I understand industries have concerns, but
16 looking at it from the City of Pascagoula's
17 standpoint where we've had Huntington Engels,
18 Chevron, Alta Marine, some of the largest industries
19 in the community, this provides a major benefit to
20 industries. There are folks that live outside of the
21 Pascagoula area that could potentially use this
22 passenger rail, so there are some major benefits that

1 are bestowed upon industries.

2 Not only industries, but the citizens and
3 small businesses that are along this rail line. Our
4 downtown area is experiencing substantial growth
5 right now with investments totaling approximately 36
6 million dollars within our downtown area of these
7 past three years.

8 We are seeing a lot of small businesses
9 build up around the Pascagoula train depot, and we
10 believe the amount of tourism that this facility and
11 this passenger rail would bring to this area would be
12 extraordinarily beneficial. In addition to that, I
13 do believe that there would be a substantive amount
14 of job creation through the operation of the Amtrak
15 rail through the Pascagoula, Bay St. Louis, Gulfport
16 and Biloxi areas.

17 I believe that this is something that
18 provides a tremendous benefit not only for our
19 downtown area, but for the entire community and the
20 entire Mississippi coast. Lastly, something that has
21 been addressed on numerous occasions is the role
22 that public transportation plays throughout

1 communities, the state and national level.

2 Mississippi is greatly in need of
3 additional transportation options for our citizens,
4 and by providing Amtrak passenger train throughout
5 multiple communities in the Mississippi coast, this
6 provides us another avenue for citizens to pursue
7 transportation throughout the Mississippi coast.

8 I think we are strong believers in a one
9 Mississippi coast, and by providing this passenger
10 rail into the State of Mississippi I believe we will
11 see a continued collaboration within the state, and
12 through working with our industries in the area, and
13 that's all I have at this time. I appreciate the
14 Board listening to my comments, and I'm happy to take
15 any questions.

16 CHAIRMAN OBERMAN: Thank you Mr.
17 Silverman. Any questions for Mr. Silverman? All
18 right. Appreciate your taking the time.

19 MR. SILVERMAN: Thank you.

20 CHAIRMAN OBERMAN: All right. Next up is
21 Michael Hecht, President and CEO of -- I can't even
22 read my own writing, Greater New Orleans, Inc.,

1 Southeast Louisiana Super Region. Mr. Hecht.

2 MR. WAGGONER: Hi. My name is Peter
3 Waggoner, and I will be reading a prepared statement
4 from Michael Hecht, the panelist for the Southeast
5 Louisiana Super Region.

6 CHAIRMAN OBERMAN: All right thank you.

7 MR. WAGGONER: Thank you. On behalf of
8 the Southeast Louisiana SOLA Super Region, a
9 partnership between the Baton Rouge Area Chamber,
10 Greater New Orleans, Inc., and the South Louisiana
11 Economic Council, we appreciate the opportunity to
12 comment today in support of Amtrak's filing. We
13 recognize the importance of intercity passenger rail
14 service to regional economic development, and
15 regional interconnectedness.

16 Regional rail through re-established New
17 Orleans to Mobile service will enhance opportunities
18 for wider workers' job access, benefitting both
19 employees and employers, and ultimately expanding the
20 talent pool. Residents across the Gulf Coast will
21 gain public access to cultural assets, reduce carbon
22 emissions from single occupancy vehicles, and share

1 resources more equitably.

2 Furthermore of vital significance,
3 reopening the track to passenger rail opens an
4 additional evacuation route, and allows for safe
5 egress in case of emergency. The New Orleans to Mobile
6 passenger service is a component of Amtrak's Connect
7 Us Plan and full implementation of Amtrak's
8 additional corridors can further transform the region
9 comprehensively connecting Gulf South and creating
10 coast to coast transportation.

11 While being respectful that freight rails
12 create utility for our region's industries and the
13 nation supply chains, intercity passenger rail will
14 represent our storage use for the track, leveraging a
15 long-standing asset to immediately build a better
16 quality of life for residents, and a healthy business
17 environment, and modes for both, thank you.

18 CHAIRMAN OBERMAN: Thank you. Any
19 questions? All right Mr. Waggoner, thank you very
20 much. Next is George Freeland, Economic Development
21 Director of the Jackson County Chamber of Commerce.

22 MR. FREELAND: Hello Mr. Chairman can you

1 hear me?

2 CHAIRMAN OBERMAN: I can hear you.

3 MR. FREELAND: Great. And thank you Mr.
4 Chairman. My name is George Freeland, and I actually
5 serve as the Executive Director for the Jackson
6 County Economic Development Foundation. This is a
7 position that I've held for 21 years, and I think
8 that's worth mentioning and that I have the benefit
9 of longevity and the perspective that provides as it
10 concerns the development challenges and opportunities
11 in this region of the country.

12 In my capacity I represent the economic
13 development interest of governmental and business
14 interest throughout this community. For the sake of
15 orientation, Jackson County, ours is the county and
16 the collection of communities that border or are
17 contiguous to the Mobile, Alabama metropolitan statistical
18 area to our east.

19 Mr. Chairman I believe that I represent a
20 collection of those economic development interests
21 that I believe, believe in the proposition that our
22 economy stands to continue to benefit greatly from a

1 world-class freight system that is balanced with, and
2 coupled with a vibrant passenger rail delivery
3 system.

4 Jackson County, again for the sake of
5 orientation is the most industrialized county in the
6 State of Mississippi, and in fact is one of the most
7 in the southeast U.S. Our success has been built on
8 a foundation of ship building, defense contracting,
9 petrol chemical refining, and a host of marine
10 dependent tenants located on, or in close proximity
11 to our two deep water ports.

12 All of these are by definition heavy
13 industrial applications, yet all coexist seamlessly
14 with the natural environment here. The point of
15 which sharing that with you is, is that we understand
16 the balanced proposition in this community. That our
17 focus has always been, and it will continue to be, on
18 sustaining these core fundamental industries while
19 building a robust, diversified economy that expands
20 tourism, and the flow of commercial commerce into our
21 city centers, such as Pascagoula, Moss Point, Gautier
22 and Ocean Springs, many of which as a city

1 administrator, city manager alluded to, undertaking
2 real processes of redevelopment renaissance if you
3 will.

4 In closing, we are absolutely supportive
5 of rail passenger service through coastal
6 Mississippi, yet recognize the requirement that it be
7 integrated into a seamless system of freight rail
8 provision to our existing and prospective industries.
9 We believe that much can be achieved through a
10 process of coordination that protects all of our
11 shared economic development interests.

12 And Mr. chairman I thank you and would
13 certainly take any questions that you or your
14 committee members might have.

15 CHAIRMAN OBERMAN: Thank you. I was
16 muted. Does anyone have any questions for Mr.
17 Freeland? All right. Thanks for taking the time.
18 Good to hear from Mississippi. Is Patrick O'Malia
19 available from Streetsboro yet? If not we'll pass on
20 his appearance until he's available. But I
21 understand that Councilman Kyle Lewis from the City
22 of Bay St. Louis is available. Mr. Lewis?

1 MR. LEWIS: Yes sir. First off I want to
2 make sure you're able to hear me okay?

3 CHAIRMAN OBERMAN: We can hear you and
4 welcome, and I'm glad you were able to be with us in
5 the meeting, thank you.

6 MR. LEWIS: Yes, and I want to first off
7 my apologies for that conflict in my schedule from
8 today, so again I apologize. But thank you all for
9 working with me and getting me on the schedule.

10 CHAIRMAN OBERMAN: Not a problem. We're
11 happy to accommodate.

12 MR. LEWIS: Okay. Well again I wanted to
13 thank you for the opportunity to speak today on
14 behalf of Bay St. Louis. You know, and first off let
15 me just preface you know as a councilman our goal is
16 to represent our constituents, and hearing from many
17 of our constituents you know we've heard a lot of
18 positive remarks in supporting the rail system coming
19 through Bay St. Louis.

20 And so I want to say this. Although there
21 are many that are on this call and on this committee
22 that we'll be discussing about the logistics of the

1 freight, I can't you know, I certainly cannot explain
2 a lot of -- but what I do hope, and I'm confident in
3 is that the Surface Transportation Board will take a
4 well-balanced approach and identify a successful path
5 for all parties to make this successful.

6 On our end, and what we've heard from many
7 of our constituents there's been a great level of
8 support for having this come to our city. We feel as
9 though the service line, the City of Bay St. Louis,
10 with the Hancock County Board of Supervisors as
11 well, have agreed to invest money into making the
12 necessary compliant upgrades to the historic L&L
13 Train Depot that we have in Bay St. Louis that we are
14 so very proud to have there.

15 In fact, the Council recognizes the rich
16 historic tradition the depot has in the community,
17 and one of our councilman put it that Bay St. Louis
18 Depot is part of our city. And so we believe and
19 recognize the great importance that the depot grounds
20 play in our community and investment that we put in
21 and we continue to put in.

22 Bay St. Louis you know has approved those

1 matching funds through the revitalization of the
2 depot grounds, and we believe the passenger rail
3 restoration will provide a great economic lift in
4 our community, not just Bay St. Louis, but also a
5 unique opportunity throughout the coast to provide
6 the passengers with you know easily, safely, and
7 affordably gain access to one of our city's really
8 key corridors.

9 The depot grounds serve as a great
10 opportunity to display many of our unique traditions
11 in Bay St. Louis, consisting of Alice Moseley, Folk
12 Art Museum, the Mardi Gras Museum. I also believe
13 the venue for those depot grounds to benefit folks
14 coming in seeing our art and music festivals that we
15 host as well.

16 And again also located right across from
17 our historic depot is Depot Row, which has seen
18 tremendous revitalization of both residential and
19 commercial. We believe this could be the incubator
20 to really highlight this area and just highlight the
21 great offerings our city has.

22 Again, the rail line has this ability to

1 do it safe and affordably, you know, connect the
2 thousands of visitors to this area that was you know
3 bustling at one point in time. It is unfortunate we
4 are not seeing that, but believe that service line
5 can bring many tourists who otherwise would not visit
6 this area would come in. And again our goal is to
7 work harmoniously with on to these here to make this
8 a successful path forward.

9 So again I just wanted to thank you for
10 the opportunity to speak today, and again highlight
11 what we're hearing from a lot of our constituents
12 advocating on what this could do for our city, and to
13 boost tourism in the hopes that it will continue the
14 great expansion we're seeing all along the Gulf
15 Coast.

16 CHAIRMAN OBERMAN: All right thank you
17 Councilman Lewis. Are there any questions from the
18 Board members? All right. Thank you for appearing
19 with us today.

20 MR. LEWIS: Thank you.

21 CHAIRMAN OBERMAN: So with that let me
22 just ask again if Mr. O'Malia has been able to join

1 us yet? If he is not that ends Panel 7, and since
2 we've been going just about two hours, I think it
3 would be a good time for a ten minute break unless I
4 hear unanimity from the Board members who say no,
5 they just like to tough it out. No, we're good all
6 right. So let us recess, and maybe we can locate Mr.
7 O'Malia in the meantime.

8 If he is there after the recess we'll
9 start with him. Otherwise we will begin with Panel
10 8. Let me just give a heads up to those folks.
11 Michael Rath, Steven DiCarlo, Tom Giovinazzi,
12 Alexander Gutierrez and John Bargainier will be up.
13 So it's now 2:54 by my clock, we will reconvene at
14 3:04 thank you all.

15 (Break)

16 CHAIRMAN OBERMAN: Good afternoon
17 everyone. We are back. Has Mr. O'Malia been able to
18 join us yet? Okay I understand that he is not able
19 to join us yet. So we will move on to Panel 8
20 beginning with Michael Rath, Senior Vice President of
21 Darling Ingredients, Inc. Mr. Rath.

22 MR. RATH: Thank you. Can you hear me?

1 CHAIRMAN OBERMAN: I can hear you very
2 well thank you.

3 MR. RATH: Thank you. Well Darling
4 Ingredients is the largest waste oil supplier in the
5 United States. It is also a joint owner of the
6 largest operating renewable diesel facility named
7 Diamond Green Diesel located in North American in
8 Norco, Louisiana. It is a joint venture between our
9 company and Valero.

10 To date Darling and Valero have invested
11 more than 2.1 billion dollars in this venture Diamond
12 Green Diesel, and we produced over 700 million
13 gallons annually of renewable diesel in Norco,
14 Louisiana. The companies have also started
15 construction on a second location in Port Arthur,
16 Texas to expand production by an additional 470
17 million gallons.

18 Diamond Green Diesel utilizes used cooking
19 oils, waste animal fats, distiller's corn oil and
20 industrial grade vegetable oils and converts them
21 into renewable diesel to be used in over the road
22 heavy duty trucks, rail and marine engines, off road

1 construction and agriculture equipment. Using
2 renewable diesel reduces GHG's by up to 83 percent
3 compared to a traditional petroleum diesel, and is a
4 key component of our nation's goal of reducing
5 transportation GHG's.

6 I might add there's another renewable
7 diesel facility in the Louisiana area operated by
8 renewable energy group, REG, which produces another
9 90 million gallons of renewable diesel annually.
10 Why is rail transportation critical to Diamond Green
11 and REG? The answer is simple, waste oils and other
12 raw materials and feedstocks necessary to produce
13 renewable diesel at Diamond Green diesel and with the
14 United States rail network being an integral part in
15 transporting the waste fats and oils to Louisiana.

16 Darling Ingredients ourselves shipped more
17 than 7,000 railcars of feedstock to this location
18 Diamond Green Diesel in Norco, Louisiana. Once
19 processed Diamond Green Diesel utilizes the railroad
20 network also to deliver the renewable diesel products
21 to the marketplace all over the United States.

22 Our daily use of the rail transportation

1 is mirrored by REG and others in the agriculture
2 sector to bring our products to New Orleans, a major
3 hub for international trade. As our nation's
4 economy has grown over the years, so has demand for
5 all the rail transportation to support the movement
6 of goods around the globe via our export terminals.

7 Our nation's transportation infrastructure
8 is a key component to our ability to compete on the
9 global stage of exporting ag commodities and other
10 goods. While demand for rail transportation to move
11 industrial goods has significantly increased, the
12 ability to expand railroad capacity on the Gulf
13 Coast is limited because of geographical concerns.

14 With the Gulf Coast Railroad
15 Transportation Network operating near capacity, any
16 proposal to increase rail commuter traffic in the
17 region will have a significant and an adverse impact
18 in Louisiana and throughout the Gulf Coast. Darling
19 has made a huge investment in Diamond Green, and our
20 asset could suffer greatly due to the less efficient
21 transportation and delays.

22 These delays would result as you've heard

1 in many testimonies in, excuse me, in decreased turn
2 times, blocked crossings, safety crossings, greater
3 cost to consumers, and more importantly the greater
4 idle time of running locomotive engines which seems
5 to be counterproductive to our goal of reducing GHG
6 in the transportation industry.

7 Last, Darling Ingredients supports greater
8 transportation rail traffic, but any changes should
9 be carefully planned and implemented to ensure that
10 there's minimal delay and impacts for all rail
11 traffic that is currently using the tracks and
12 bridges. Furthermore, Darling Ingredients made this
13 tremendous investment based on long-term rail
14 studies. It was a significant factor in the decision
15 to build Diamond Green Diesel in Norco, and now the
16 sudden addition of passenger traffic without planned
17 infrastructure investments in advance, could be ill
18 advised, threatens the viability of our plant.

19 It is not in all the best interest of all
20 the users in our region's rail system. Respectfully,
21 thank you. Michael Rath, Darling Ingredients.

22 CHAIRMAN OBERMAN: Thank you Mr. Rath.

1 I'm very fascinated to hear about your company. I am
2 looking at a map to try to understand where you are
3 in connection with this project.

4 MR. RATH: So we're near all the
5 refineries down there in Norco, Louisiana and the
6 export terminals.

7 CHAIRMAN OBERMAN: Right. I think I see
8 it. You're just west of downtown New Orleans right?

9 MR. RATH: Yeah it's about seven miles I
10 want to say.

11 CHAIRMAN OBERMAN: And what railroad are
12 you served by?

13 MR. RATH: We are served by the Canadian
14 National and the KCS today, and the CSX is a
15 delivering carrier of a lot of goods and service, a
16 lot of raw material to us.

17 CHAIRMAN OBERMAN: So delivering via
18 interchange with the other railroads or?

19 MR. RATH: Yes, that's correct.

20 CHAIRMAN OBERMAN: All right. And what is
21 your -- so which part of like are you concerned about
22 that would serve your facility?

1 MR. RATH: Well a lot of the inbound
2 traffic. You know as I mentioned we're about 8,000
3 cars. 7,000-8,000 cars if you look at Diamond Green
4 Diesel in its entirety. They may originate 30,000
5 cars a year.

6 CHAIRMAN OBERMAN: So are you talking
7 about westbound traffic on this line that Amtrak
8 would run on that ultimately comes to you? That's
9 what I'm trying.

10 MR. RATH: I would have to refer to the
11 guys on the railroad that I visited with on this when
12 they showed me the traffic. I do not have the
13 traffic pattern in front of me.

14 CHAIRMAN OBERMAN: All right. I'm just
15 because the Amtrak service would begin east of you
16 and go east towards Mobile, so that doesn't look like
17 it would go past your plant as I understand the plan.

18 MR. RATH: No. I think it would cause
19 what we think are significant delays on any goods
20 coming inbound on the CSX.

21 CHAIRMAN OBERMAN: I assume from the east
22 you mean?

1 MR. RATH: Yes.

2 CHAIRMAN OBERMAN: Okay.

3 MR. RATH: And then going outbound as
4 well.

5 CHAIRMAN OBERMAN: Do you ship outbound
6 eastward on the CSX?

7 MR. RATH: At times we do.

8 CHAIRMAN OBERMAN: All right. And do you
9 have any data as to how much delay if any your
10 business, your shipment, your inbound and outbound
11 would experience if the Amtrak trains run? I mean do
12 we know more specifically what we're talking about?

13 MR. RATH: I think we've got some general
14 ideas, but I would you know prefer to sit down and
15 have the CSX provide that because I think they have a
16 much better in depth knowledge than we would on that.

17 CHAIRMAN OBERMAN: Well I'm just trying to
18 gauge here the significance of any you know impact on
19 your business, you know, whether it's minutes, hours,
20 days.

21 MR. RATH: Oh I think it would be days
22 definitely, a minimum of 10 days, maybe up to 25 days

1 on these car turn times that we would be delayed. In
2 other words the average car would take let's say 20
3 days to get there. These could be, we could be
4 looking at 30 days.

5 CHAIRMAN OBERMAN: I'm sorry I missed
6 that. You're saying an extra 25 days, or an extra 5
7 days?

8 MR. RATH: An extra 10 to 20 days.

9 CHAIRMAN OBERMAN: And where does that
10 idea come from?

11 MR. RATH: In our conversations with the
12 rail lines down there, mainly the CSX.

13 CHAIRMAN OBERMAN: Okay. So you're
14 relying on what CSX has told you?

15 MR. RATH: Yeah on various railroads down
16 there. We have congestion today down in the New
17 Orleans corridor.

18 CHAIRMAN OBERMAN: I am well aware. I
19 think at the STB we're well aware of this congestion.

20 MR. RATH: Yeah.

21 CHAIRMAN OBERMAN: And you are. Let me
22 ask you this question. Has CSX had any conversations

1 with you about any infrastructure they might want to
2 build for freight service to improve your service?

3 MR. RATH: We have not gotten into that
4 level of detail.

5 CHAIRMAN OBERMAN: All right. So if we
6 want to figure out what the passenger rail impact it
7 may have on Norco we should talk to CSX is what
8 you're saying?

9 MR. RATH: I would say so yes.

10 CHAIRMAN OBERMAN: Okay. All right. Well
11 thank you very much, that's very helpful. Do any
12 other Board members have questions for Mr. Rath? All
13 right.

14 MR. RATH: Thank you.

15 CHAIRMAN OBERMAN: Thank you. Steve
16 DiCarlo.

17 MR. DICARLO: Hello Mr. Chairman. Thank
18 you. I appreciate the opportunity to speak to you
19 and the Board. Everybody hear me okay?

20 CHAIRMAN OBERMAN: Yes we can hear you
21 just fine.

22 MR. DICARLO: All right great. So Steve

1 DiCarlo, Vice President of Field Management for
2 Javelin Global Commodities. We're a marketing,
3 trading, logistics procurement company focused on
4 coal, steel, oil and gas, and removal of fuels.
5 Headquartered in London, we have offices in New York,
6 St. Louis, Puerto Rico, Zug, Singapore and Melbourne,
7 so pretty much worldwide.

8 Javelin manages over 70 million tons of
9 commodities. It's the third largest user of bulk
10 commodity transport in North America. 60 million
11 tons of commodities on the U.S. railways, and 25
12 million tons go through U.S. ports. Javelin relies
13 on CSX to transport raw materials to the Port of
14 Mobile. Javelin is located in close proximity to the
15 Gulf Coast corridor at issue in these proceedings.

16 We have a long-standing relationship with
17 CSX, and multiple businesses throughout the U.S., not
18 just in Mobile, but in lots of other interchanges and
19 ports along the east coast. Consistent and reliable
20 freight rail service is key to the success of our
21 business as it allows us to provide our customers
22 with accurate estimates for timed delivery so they

1 can make strategic decisions for their own
2 businesses.

3 Javelin expresses no opinion on the merit
4 of Amtrak's proposed passenger service, and we
5 certainly do not oppose it. However, we understand
6 CSX has presented evidence of possible degradation to
7 freight service if Gulf Coast passenger service
8 begins without sufficient infrastructure improvement.

9
10 We also understand that CSX local trains
11 may experience the largest decrease in service
12 quality because they have the lowest priority of all
13 train traffic. This is particularly concerning to
14 Javelin because of the interchange at Mobile. 2021,
15 as you could imagine, for our business was very
16 difficult as a whole due to supply chain issues.

17 If there are delays whether it be a day,
18 two days, three days, whatever the delays may be,
19 there's significant demurrage charges as you can
20 imagine, ships are waiting to be loaded, and those
21 costs can be quite expensive. We strongly encourage
22 the Board to take action that protects the standard

1 of freight service that customers like Javelin relies
2 on, so we appreciate the time here, and again we're
3 not opposing this, we just want to make sure that the
4 infrastructure is in place to prevent any kind of
5 delays going forward.

6 CHAIRMAN OBERMAN: Thank you Mr. DiCarlo.
7 I'm looking at a map also trying to understand where
8 is your facility in the Mobile area?

9 MR. DICARLO: So we export through the
10 ports, through the Port of Mobile, so we don't have a
11 facility there. We're basically shipping coal and
12 other materials from the mines direct for export.

13 CHAIRMAN OBERMAN: I see okay. So and
14 you're mostly a user of for this port you get there
15 on CSX?

16 MR. DICARLO: Correct. That is correct.

17 CHAIRMAN OBERMAN: All right. So and from
18 which direction? All directions?

19 MR. DICARLO: All directions. We have
20 materials coming out of the Powder River Basin,
21 Wyoming, Colorado, from the east coast, from mines in
22 Kentucky, West Virginia, all over.

1 CHAIRMAN OBERMAN: So your concern is
2 focused on rail, on your commodities rail access to
3 the port to get on ships is that right?

4 MR. DICARLO: Yeah we just can't have you
5 know if this is allowed, and certainly we're relying
6 on CSX on what they're advising us for the
7 infrastructure improvements. I mean they're
8 signaling us that there potentially could be delays
9 because of this, but if there's the proper
10 infrastructure built out then that could be avoided.

11 We've had a lot of experience in a lot of
12 different places with Amtrak crossings, and delays
13 and different things that happened, and obviously
14 that takes priority, you know, where the freight
15 business may be second in line. So we just want to
16 have our two cents in here to say hey, just take a
17 really good look at this. Make sure that if there is
18 something that can be done to prevent any delays, we
19 would appreciate that support.

20 CHAIRMAN OBERMAN: And I take it that your
21 commodities are bulk?

22 MR. DICARLO: That's correct yes sir.

1 CHAIRMAN OBERMAN: So like Mr. Rath, I
2 take it you're relying on what you had learned from
3 CSX. You didn't have any independent factual
4 determination of what delays might be caused by, if
5 any, by the Amtrak service?

6 MR. DICARLO: That's correct yeah, we rely
7 on there and Southern Tier.

8 CHAIRMAN OBERMAN: Yeah okay. And do you
9 get to the Mobile Port on any other railroad besides
10 CSX?

11 MR. DICARLO: The UP would also access
12 down into Mobile you know, we're not beholden to CSX,
13 so depending where it's coming -- everything out in
14 sort of the Wyoming area, and the Powder River Basin
15 is either UP or CN.

16 CHAIRMAN OBERMAN: Just out of curiosity,
17 where is your Powder River Coal going when it leaves
18 the Port of Mobile?

19 MR. DICARLO: I think it goes into India,
20 China, many different places, yeah.

21 CHAIRMAN OBERMAN: Interesting. So you
22 don't ship to the west coast ports?

1 MR. DICARLO: Sometimes it gets pretty
2 export constrained there on the west coast, so you
3 know basically you've got to manage where you can get
4 the material out so.

5 CHAIRMAN OBERMAN: Yeah this has little to
6 do with this thing, although you know we at the Board
7 are immersed in this supply chain issue as well as
8 everybody else. Are you saying right now, digress
9 for a minute, that you find it better to ship coal to
10 Asia by going to Mobile and out through the Panama
11 Canal than you do from Oakland or Long Beach?

12 MR. DICARLO: I wouldn't say in all cases.
13 Again it just depends right? It depends if the buyer
14 needs the material, and we cannot get it out on the
15 west coast, then we'll do what we have to do to get
16 it out. I mean obviously it creates pricing issues,
17 so it's not preferable, but if it has to happen it
18 will happen.

19 CHAIRMAN OBERMAN: And I assume other than
20 the blockage in the ports, if you didn't have that
21 kind of blockage on the west coast it's got to take a
22 lot longer for the customer to get their coal if

1 you're going all the way around the country.

2 MR. DICARLO: Sure. We currently ship
3 Powder River Basin coal to the east coast to power
4 plants in Ohio, in Pennsylvania. You know there's
5 certain restrictions of why we have to do that, but
6 it takes almost seven days to get it across the
7 country to some of those power plants.

8 CHAIRMAN OBERMAN: Yeah fascinating. Well
9 you know I'm aware we have an issue involving coal in
10 Oakland, which I can't comment on, so I know about
11 those concerns, but I still think that when the lay
12 person hears what you have to go through to get your
13 shipments out, it's quite fascinating. Any other
14 questions? Any questions from any other Board member
15 for Mr. DiCarlo?

16 BOARD MEMBER PRIMUS: Yeah just real
17 quick. Mr. DiCarlo thank you for your statement
18 today. How is your service, how would you rate your
19 service currently?

20 MR. DICARLO: With CSX in general?

21 BOARD MEMBER PRIMUS: Just coming over to
22 you know, coming into Mobile, and even coming out.

1 How would you --

2 MR. DICARLO: This year would be a very
3 difficult one to categorize that because I think
4 generally all the railroads are really suffering, and
5 I don't know that it's so much an interchange issue,
6 or congestion or traffic, but it's due to COVID, it's
7 due to manpower and things like that.

8 It's been an extremely, extremely
9 challenging year for us as a company with massive
10 delays all over, not just in Mobile, but in every
11 aspect of it. But typically if there's not a COVID
12 issue, and there's not a you know, this type of a
13 pandemic issue, it's been generally good, you know,
14 there hasn't been an issue, so.

15 BOARD MEMBER PRIMUS: But currently it's
16 suffering.

17 MR. DICARLO: Oh my God it's -- this is
18 the worst that I've seen, and I've been in this
19 business for 30 plus years. I mean it's bad. It's
20 bad, you know. So hopefully you know hopefully as we
21 come out of the pandemic, and there's you know more
22 people are hired, and we can start to alleviate the

1 congestion issues that we have, but yeah this has
2 been a really, really tough year. 2021 was extremely
3 difficult.

4 BOARD MEMBER PRIMUS: Okay. And I
5 appreciate that. I mean I'm just trying to also set
6 the table just for understanding. You know I know
7 you know much of the information on Mobile in terms
8 of what they're doing with Amtrak, the passenger
9 comes from CSX almost trying to figure out how, you
10 know, if it really is exacerbating the issue, or if
11 it's just you know a separate issue that we need to
12 address from the overall service component, the fact
13 that you know they're not getting the job done these
14 days.

15 MR. DICARLO: Yeah, and from our
16 perspective when CSX tells us hey this could create
17 problems for you, you know, in getting your product
18 through you know, that's concerning to us, so I don't
19 have first-hand knowledge of exactly you know what
20 that means in delays. Should the Amtrak passenger
21 service go through without any infrastructure change,
22 but you know typically they're pretty on it if

1 they're telling us there could potentially be
2 delays.

3 I think it's of concern and worth
4 everybody looking into to make sure that it doesn't
5 happen.

6 BOARD MEMBER PRIMUS: Yeah especially
7 since you've got service problems now right?

8 MR. DICARLO: 100 percent.

9 BOARD MEMBER PRIMUS: Okay, okay. Thank
10 you.

11 MR. DICARLO: You're welcome.

12 CHAIRMAN OBERMAN: Thank you Mr. DiCarlo.
13 Any other questions? All right. Thank you for
14 taking the time.

15 MR. DICARLO: Sir you're welcome.

16 CHAIRMAN OBERMAN: Next up Tom Giovinazzi.
17 Am I saying it right?

18 MR. GIOVINAZZI: Yep, Tom Giovinazzi.

19 CHAIRMAN OBERMAN: There you go. Holcim,
20 Inc. thank you. You're on.

21 MR. GIOVINAZZI: Thank you. Thank you Mr.
22 Chairman for allowing me to speak today on behalf of

1 Holcim, US. I did have the honor some years back of
2 serving on RSTAC from 2012 to 2018, so I have some
3 sense of the kinds of issues that this Board is
4 always faced with, and have an appreciation for what
5 you all do for the rail network in general, and of
6 course the country.

7 So let me get started here. Holcim US is
8 located in Theodore, Alabama just outside Mobile,
9 Alabama, and relies on freight rail service provided
10 by CSXT. I'm speaking on behalf of Holcim to express
11 concerns regarding the impact of that freight rail
12 service of Amtrak's proposed Gulf Coast passenger
13 service between New Orleans and Mobile.

14 Holcim produces bulk cement, and relies on
15 CSXT to transport raw materials to our facility and
16 finished products to our customers. Our entire
17 Atlanta customer base, along with hundreds of other
18 customers receive their product from our Theodore
19 facility. We run thousands of loads on this corridor
20 annually, and an equal number of empties.

21 Because of the high volumes we handle, and
22 the limited space of our facilities, we require just

1 in time service from the railroads. Small delays can
2 cause us to stock out at our terminals. Our
3 customers are building runways, bridges, tunnels,
4 highways, ports for federal, state and local
5 governments among others.

6 They cannot have 100 men standing on a
7 half complete bridge waiting for cement for one day
8 or two, or even more. Not to mention the significant
9 fines and penalties they face when they don't
10 complete these jobs on time. Freight rail service is
11 critical to the success of our business. We can't
12 move large quantities of bulk cement inland without
13 the quality service CSXT provides, making freight
14 rail the most efficient, environmentally friendly,
15 transportation alternative to maintain and grow our
16 business in this area.

17 CSX and Norfolk Southern have submitted
18 evidence, including a rail traffic controller study
19 that shows the introduction of Gulf Coast passenger
20 service between New Orleans and Mobile would cause
21 significant harm to freight service. This harm will
22 manifest itself in decreased freight train speeds and

1 delays, as well as extreme operational variability.

2 CSXT's local trains, the very trains that
3 directly serve our facility, will be hit the hardest.
4 Holcim US is deeply concerned about our ability to
5 meet the demands of our customers and remain
6 profitable if this harm to CSX freight rail service
7 materializes.

8 We have to have the daily service that
9 CSXT provides us on local trains, or we stock out of
10 product at our terminals. How is introducing
11 passenger service practical on a single main track
12 where local trains have to hold main track while they
13 switch their customers until ample sidings to pass
14 are installed?

15 Why is the public that Amtrak serves more
16 important than the public that we serve? Hundreds of
17 customers with thousands of workers depending on
18 product every day. Not to mention all the other
19 shippers on this corridor. Our counsel is patience.
20 Let's get the infrastructure that's needed so we can
21 all operate, and let's be safe about it.

22 Holcim does not oppose Gulf Coast

1 passenger service, and expresses no opinion on the
2 merits of that service. However, it is important
3 that the introduction of this passenger service does
4 not decrease the quality of freight service provided
5 by CSXT. It is our understanding that CSXT and NS
6 have proposed infrastructure projects that would
7 support Amtrak's desired passenger service, while
8 protecting the quality of freight service that Holcim
9 relies on.

10 Holcim urges the Board to seriously
11 consider the merits of these projects. It is unfair
12 for Amtrak to insist on operating passenger service
13 without waiting for the proper infrastructure
14 without regard to the businesses it will share this
15 corridor with. It has the feel of a bully who
16 doesn't want to wait his turn, so he pushes to the
17 front of the line with total disregard for others.

18 We need daily service on the single main
19 corridor. Local crews will be held in the clear for
20 passenger trains that run 30 miles an hour faster
21 than they do, are permitted to, and will run out of
22 hours of service. If Amtrak is permitted to commence

1 passenger service without paying its way, the cost of
2 that service will inevitably fall to the shoulders of
3 shippers.

4 Shippers like Holcim will wind up
5 subsidizing passenger service, it would increase rail
6 service costs as CSX and NS are pressed to add
7 infrastructure, and stem the degradation to freight
8 service. The Board has an obligation to protect the
9 interests of all parties that rely on the National
10 Rail Network, including our customers, their workers,
11 and their customers, not just those of passenger
12 rail.

13 Amtrak's desire for access to the Gulf
14 Coast corridor with no strings attached is not only
15 harmful to freight rail service, but untenable given
16 the substantial funding it received from Congress
17 last year. Holcim requests that the Board require
18 Amtrak to fund and facilitate the construction of
19 infrastructure projects so as to avoid any harm to
20 freight rail service.

21 Thank you very much for the time, and I'll
22 take any of your questions.

1 CHAIRMAN OBERMAN: Thank you sir. I have
2 just as with the previous witnesses. I'm looking at
3 a map, and I'm trying to make sure I understand where
4 you are located in Theodore. There are several, at
5 least on Google maps, Holcims that show up, so you
6 must have more than one facility there.

7 MR. GIOVINAZZI: Yes sir. Well I'm not
8 sure what Google maps is showing, but we have one
9 large plant there. We produce many --

10 CHAIRMAN OBERMAN: I don't see a rail line
11 leading to it, so I'm not sure I have the right
12 place.

13 MR. GIOVINAZZI: Okay. Yes, we're
14 directly served by the CSX Railroad. The local that
15 comes, our serving yard is Mobile Yard, located on
16 the CSX with the CSX Mobile Yard. That's where the
17 local originates for us. We are about I want to say
18 25-26 miles southwest of Mobile.

19 CHAIRMAN OBERMAN: Are you on Airco Road?

20 MR. GIOVINAZZI: I'm sorry I can't tell
21 you for certain. I'm not sure.

22 CHAIRMAN OBERMAN: That's okay.

1 MR. GIOVINAZZI: Yeah our regional
2 headquarters where I'm located is in Michigan. I'm
3 not sure what the name of the road is. I've been to
4 Theodore numerous times, but I'm not sure of the name
5 of the road, yep.

6 CHAIRMAN OBERMAN: In any event what I'm
7 trying to understand is a local spur, it sounds like
8 goes to your plant, and it goes by CSX takes a local
9 there, and then gets back up to the main line.

10 MR. GIOVINAZZI: Yes sir that's right.

11 CHAIRMAN OBERMAN: Is that right? And how
12 far a trip is that?

13 MR. GIOVINAZZI: It's about 25 or 26 miles
14 on this main line corridor.

15 CHAIRMAN OBERMAN: How far is it from the
16 local spur line to the main line?

17 MR. GIOVINAZZI: I'm not sure. To be
18 honest with you I'm not sure. Are you talking about
19 the secondary industrial track that we're located off
20 of?

21 CHAIRMAN OBERMAN: Yes, I'm trying to
22 figure out how they get to your plant that's all.

1 MR. GIOVINAZZI: Well there's a main line
2 switch. My understanding is there's a main line
3 switch from the main line corridor we're talking
4 about into this industrial track, and then over to my
5 location. And there's two or three customers I think
6 in there.

7 CHAIRMAN OBERMAN: I see. So you're not
8 the only ones served by that industrial track?

9 MR. GIOVINAZZI: No sir, that's right.

10 CHAIRMAN OBERMAN: And it sounds like
11 you're sole served by CSX?

12 MR. GIOVINAZZI: Yes that's correct.

13 CHAIRMAN OBERMAN: All right. And your
14 concerns about the amount of delay that may be
15 occasioned by Amtrak, would it be fair to say like
16 the others that you haven't done your own study or
17 analysis. You're relying on what you've learned from
18 CSX?

19 MR. GIOVINAZZI: Well sir I used to be a
20 train dispatcher back in the day, so my concern is I
21 guess just from understanding what physically happens
22 when you're trying to pass an Amtrak train with a

1 local train on a single main track. My concern
2 really for our company is the fact that you know
3 you're going to have just if anecdotally we think
4 about this, you'll have a passenger train leave New
5 Orleans at the same time my local train leaves
6 Mobile.

7 He's working with 80 miles an hour. The
8 local job will run 20 or 25 miles down the main track
9 at 50 miles an hour, and he'll start to switch. Now
10 I don't know how many other customers they have off
11 their main track, but just for an example, if there
12 were two customers there, and each of those customers
13 takes 45 minutes to an hour, and that's a fair
14 estimate for someone to pick up and set off at a
15 location, that local train that left Mobile the same
16 time the Amtrak train left New Orleans, could only
17 service one of those customers before the Amtrak
18 train was we'll say essentially next to them.

19 Which means to me having done this many
20 years ago, but nevertheless, either the railroad
21 would have to hold that yard job in the clear until
22 the Amtrak train comes all the way to Mobile. Or

1 two, he'd have to switch the first customer, hustle
2 to a siding so he could meet that Amtrak train, which
3 means if I'm the second customer to be served,
4 they'll pass on me for that day, and I'll get a call
5 saying, "Sorry, we'll have to get you tomorrow,"
6 which would never work for our circumstances.

7 Or three, again if they hold the local
8 train long enough, and again I don't know exactly how
9 many customers, but just as a general statement, a
10 local train services 5, 6, 8, 10 customers depending
11 on what they're doing. If he holds this train for
12 Amtrak, then two or three hours later he's going to
13 have nine hours to work before he's on hours of
14 service.

15 So I think it's a legitimate concern. I
16 know when I was working I could be reprimanded or
17 fired if it I did it enough times for delaying
18 Amtrak, so we never did. Amtrak, rightfully so, got
19 right-of-way. I would never hear one word about
20 holding a local job for Amtrak.

21 And in this case I am that local train. I
22 need those cars. I think it's a -- I guess what

1 you're hearing me say is I don't know about how many
2 other customers are on this line, but they have to be
3 feeling the same way as I do. Four Amtrak trains a
4 day it isn't as though the train just buzzes by, and
5 then everyone goes back to work.

6 Trains are being held literally for hours
7 okay. This local train that was -- this anecdotal
8 local train would never still be on the main track
9 when Amtrak is showing up. He would long be gone,
10 which means he's delayed or holding somewhere for an
11 hour, or half an hour, hour, hour and a half,
12 whatever it takes to facilitate the movement of
13 Amtrak.

14 So I know sometimes a small amount of
15 knowledge, which is all I can attest to having here
16 could be dangerous. But no sir, I don't think the
17 railroads are skewing my view of this.

18 CHAIRMAN OBERMAN: You're misinterpreting
19 my inquiry. I'm sorry.

20 MR. GIOVINAZZI: I'm sorry.

21 CHAIRMAN OBERMAN: I didn't mean to
22 suggest any skewing. I was only trying to find out

1 -- I understand you have, and it sounds like you have
2 an extensive background and knowledge of how
3 railroads operate, which is commendable, certainly in
4 this setting, but in terms of the specifics. That's
5 all I was asking. Holcim hasn't analyzed
6 specifically the operations here and what
7 infrastructure precisely would be needed to avoid
8 they're talking about relying, I take it, on what
9 CSX, that CSX has done, and what they've communicated
10 to you. Would that be a fair statement?

11 MR. GIOVINAZZI: Well I think sir just
12 knowing that I'm moving thousands of cars on this
13 lane annually, and knowing that I need a train every
14 day okay. I mean I think that's really where the
15 concern is. Obviously them letting us know that
16 there's going to be an additional constraint, or a
17 potential constraint on the lane is a concern.

18 CHAIRMAN OBERMAN: Yes. I understand.
19 You can't from your own investigation tell us how
20 many sidings are needed, where they should be, and so
21 forth. You haven't done that work?

22 MR. GIOVINAZZI: No sir, huh-uh.

1 CHAIRMAN OBERMAN: That's all I was trying
2 to make sure I understood. If you had, I wanted to
3 be sure you had a chance to tell us, but I understand
4 what you're saying, so I appreciate that. Is there
5 any other Board member? Karen did you have a
6 question?

7 BOARD MEMBER HEDLUND: Sorry I hit the
8 wrong button. Mr. Giovinazzi thank you very much,
9 and I am a little familiar with your company, and I
10 know that you have facilities all over the country,
11 hundreds, and really literally all over the world.
12 What kind of delay minutes or missed switches are you
13 currently experiencing on the CSX system system-wide?
14 Do you have those numbers?

15 MR. GIOVINAZZI: I can't say that I do,
16 but obviously we do have very good records. We know
17 on a daily -- obviously to your point we have so many
18 facilities. We've been fortunate. I mean we've
19 heard you know, we talked to other shippers, et
20 cetera. Overall our services -- I want to say
21 overall it's been good, particularly for the times.

22 Obviously COVID, now and then we'll get a

1 call from the railroad that a pool, you know, if one
2 or two engineers shows up at a location and had
3 COVID, we could lose five, or six or eight people
4 that are in that pool, so that's been a concern from
5 time to time. And I think with limiting hiring, the
6 hiring issues that all of us are facing right now,
7 particularly for those guys where it takes so long to
8 train someone.

9 But I would say if I was guessing across
10 the board it would probably be low 80's. So not
11 terrible considering the times, as I've said. We
12 really need rail service at almost all of our
13 locations. We have posted strand facilities built
14 many years ago, and our volumes are such now that we
15 rely on really good rail service. So like I said all
16 of those things considered I you know don't have too
17 much that I can complain about.

18 BOARD MEMBER HEDLUND: I got to know
19 Holcim a little bit when I was looking at the
20 question about whether concrete tie producers could
21 make green ties, and your company has really taken
22 leadership in carbon capture, not only in taking the

1 carbon from the cement plants and putting it in the
2 ground, but actually putting it back into the cement,
3 and I hope that you will further explore, maybe the
4 possibility of actually making green ties.

5 I know you've got a plant in Florence,
6 Colorado, not too far from where I live, and right
7 down the track from you is a company that makes ties,
8 so.

9 MR. GIOVINAZZI: I'm going to write that
10 down, so I appreciate that.

11 BOARD MEMBER HEDLUND: You should talk to
12 them.

13 MR. GIOVINAZZI: Thank you very much for
14 that yep.

15 CHAIRMAN OBERMAN: Patrick go ahead.

16 BOARD MEMBER FUCHS: Tom was being modest
17 earlier, and not only did he serve on RSTAC, but I
18 believe Tom you were Chairman of RSTAC as well, so
19 thanks very much for your service, and thanks very
20 much for being here as well.

21 MR. GIOVINAZZI: Well thank you Patrick, I
22 appreciate it, and I'm really happy to see you on the

1 Board, well deserved.

2 BOARD MEMBER PRIMUS: Hey Tom real quick,
3 just going back to your history. So who did you
4 dispatch for?

5 MR. GIOVINAZZI: I dispatched for Conrail.
6 I dispatched the Chicago to Boston main line on the
7 Cleveland division.

8 BOARD MEMBER PRIMUS: Okay. And so I
9 guess you're one of the few that I know that can
10 attest to letting Amtrak, giving Amtrak preference.
11 That's usually not what we're hearing these days.

12 MR. GIOVINAZZI: Well I'll be honest with
13 you and tell you that as long as I was on the
14 railroad, and in this case there's a little bit
15 animosity. It sounds like with Amtrak and the
16 railroads, but the railroads, to my knowledge, always
17 gave Amtrak preference. It was a big personal
18 problem if you delayed that train, so that was the
19 view from up top of the railroads, and I'm guessing
20 it's about the same now.

21 BOARD MEMBER PRIMUS: Or a little
22 different. It's a little different yeah.

1 MR. GIOVINAZZI: Well I'll accept that,
2 so.

3 BOARD MEMBER PRIMUS: Yeah, yeah, thank
4 you though.

5 MR. GIOVINAZZI: You bet.

6 CHAIRMAN OBERMAN: Any other questions
7 from Board members? Tom let me add in my
8 appreciation for your RSTAC service. I didn't
9 know you were the Chairman. RSTAC is invaluable.
10 We all find it that way, so and it sounds like you
11 are among the more knowledgeable people who have
12 served on RSTAC, so we certainly send our thanks
13 for that work. We will get you back one day.

14 MR. GIOVINAZZI: Okay.

15 CHAIRMAN OBERMAN: I didn't hear you
16 volunteer though, so I don't know.

17 MR. GIOVINAZZI: Always willing to help.
18 Well thank you very much for those words, I
19 appreciate that. Thank you.;

20 CHAIRMAN OBERMAN: All right thank you.
21 All right next up is Alejandro Gutierrez, Vice
22 President of Procure and Logistics at DAK Americas.

1 MR. GUTIERREZ: Thank you Mr. Chairman.

2 I'm Alejandro Gutierrez at Procure and Logistics at
3 DAK Americas. DAK Americas is the largest recycled
4 producer in the Americas. BT is 100 percent
5 recyclable resin mainly used for water and soft drink
6 bottles and other food container applications.

7 We have four sites in the U.S. one of
8 those sites is located in Basin, Mississippi which is
9 the one that I will be referring to in my comments.

10 I'm here to express our concern on the impacts that
11 this project would have in our business. Our
12 business relies on an efficient and competitive rail
13 service for both raw materials and finished products.

14

15 An important portion of our raw materials,
16 roughly 1,600 railcar loads a year in 2021 is
17 delivered. Our basin was the facility beyond rail,
18 going to mainly going to New Orleans. We are a 24/7
19 operation, and it's very costly and disruptive and we
20 need to impact our production rates or even shut down
21 because of lack of raw materials.

22

Additionally, around 80 percent of our

1 finished products are shipped to our customers via
2 rail. That's more than 3,500 railcar loads a year in
3 2021, to roughly 70 destinations across the U.S. We
4 access country's network, either via New Orleans or
5 Mobile. We are served by a short line -- railroad,
6 so the interchange is in Ashland, Mississippi and CSX
7 acts as the network be in New Orleans or Mobile.

8 Our customers have options, both domestic
9 and imported material, and they demand reliable and
10 consistent service as they also run continuous
11 operations. Not having a very efficient rail
12 service to serving our facility can definitely impact
13 rural opportunities in our site, or even in the
14 long-term economic viability of our facility.

15 That's why we're very concerned about
16 anything that can impact service rails or impact in
17 our business. In short, delays, increased traffic
18 times, service impacts us and our customers as well.
19 We also need to make sure that we don't end up
20 indirectly paying for the infrastructural projects
21 that may be needed to make this project happen.

22 Our request to the Board is to consider

1 the impacts on this project in our business or
2 businesses like ours, it can have serious
3 repercussions on us, and the people who depend on our
4 businesses. Thank you Mr. Chairman and the Board for
5 your time, and the opportunity to speak on this
6 issue.

7 CHAIRMAN OBERMAN: Thank you Mr.
8 Gutierrez. I didn't catch the name of the short line
9 that serves your plant in Bay St. Louis?

10 MR. GUTIERREZ: It's PBVR it's Port
11 Bienville railroad.

12 CHAIRMAN OBERMAN: And they take you where
13 to CSX?

14 MR. GUTIERREZ: To Ashland, Mississippi,
15 in Ashland, that's where they interchange with CSX
16 now.

17 CHAIRMAN OBERMAN: And from there you're
18 sole served by CSX?

19 MR. GUTIERREZ: Correct.

20 CHAIRMAN OBERMAN: All right. And I have
21 asked the others because I want to make sure we hear
22 whatever information you have, would it be fair to

1 say also that whatever your concerns are about delays
2 that may be occasioned by Amtrak, as based on what
3 you've learned from CSX, you haven't gone out and
4 evaluated the line yourself. Would that be fair?

5 MR. GUTIERREZ: That's a fair statement
6 yes.

7 CHAIRMAN OBERMAN: Yeah, okay. Thank you
8 very much. Really appreciate hearing from you
9 though, thank you.

10 MR. GUTIERREZ: Thank you.

11 CHAIRMAN OBERMAN: Any other Board members
12 have any questions? Okay. Thank you.

13 MR. GUTIERREZ: Thank you.

14 MR. OBERMAN: We will move forward.
15 Finally on this panel John Barganier I think I'm
16 saying it correct?

17 MR. BARGANIER: Very good.

18 MR. OBERMAN: Did I say it right?

19 MR. BARGANIER: You did first time, that's
20 great.

21 CHAIRMAN OBERMAN: Yeah, well just
22 beginner's luck. You're on sir.

1 MR. BARGANIER: All right. Thank you Mr.
2 Chairman, and appreciate you all's time this
3 afternoon. My name is John Barganier, and I'm the
4 Chief Operating Officer for a trade association
5 called Manufacture Alabama. We're the trade
6 association dedicated specifically to the needs of
7 manufacturers here in the State of Alabama.

8 And we work on everything from legislative
9 and regulatory issues to competitive and operational
10 interests of our members across the state, and their
11 partner industries. We represent hundreds of
12 companies from the most recognized international
13 corporations to small family owned operations that
14 share common interests, and face similar challenges.
15 Each one is a vital component of Alabama's economy
16 and our job base.

17 We are proud to advocate the policies that
18 help to make our members as competitive as possible,
19 and we hope to enable them to thrive with being able
20 to result in creating jobs and opportunities in the
21 process. We also appreciate the opportunity to
22 partner, or participate in this discussion with the

1 Board today on Amtrak's proposal to add new passenger
2 service between New Orleans and Mobile.

3 Amtrak's proposed expansion of passenger
4 rail along the Gulf Coast stands directly at odds
5 with our mission of promoting a positive, competitive
6 environment, and enhancing growth in the State of
7 Alabama. For this reason we have to be opposed to
8 the proposal in its current form, and urge the
9 Surface Transportation Board to consider our
10 opposition and concerns as it reviewed Amtrak's
11 request.

12 Our members depend heavily on predictable
13 pricing and reliability and freight rail
14 transportation. That's why rail transportation is
15 one of our nine core areas of focus as a trade
16 association. Manufacturers need to be able to count
17 on efficient rail service in order to receive
18 materials in a timely manner, adhere to tight
19 production timelines, and ultimately ship finished
20 goods and products to the market, either directly, or
21 through the state's ports.

22 If Amtrak's requests are granted, and

1 passenger service along the Gulf Coast is expanded,
2 the reliability and efficiency of the entire regional
3 rail network will be impacted. The impacts will be
4 felt in the form of additional traffic and
5 congestion, and those impacts will be most profound
6 in the areas that are already home to a high volume
7 of trains.

8 Alabama's ports in particular, rely on
9 carefully orchestrated schedules and incredibly
10 precise scheduling in order to maintain stable and
11 productive shipping operations. These schedules have
12 direct influence over the shipper's financial
13 results, and are particularly important to our
14 members who work to utilize both the existing freight
15 rail network, and the ports to get their goods to
16 market.

17 The addition of passenger rail to --
18 passenger trains to the railroads currently devoted
19 to freight, without the infrastructure in place to
20 handle those new passenger trains, will be highly
21 disruptive. Almost certainly leading to much higher
22 incidents of delay and other shipping related

1 setbacks. This is something our members really can't
2 afford to absorb as they work to compete with
3 manufacturers across the globe, especially at a time
4 of international supply chain challenges.

5 There are currently about six rail lines
6 serving the Port of Mobile, and entering its main
7 dock terminals. The container intermodal rail
8 terminal, and eventually a finished automobile
9 terminal. Amtrak wants to add multiple passenger
10 trains per day to these lines, and while four trains
11 may not sound like much, the fact is that every
12 additional unit that needs to get from Point A to
13 Point B using this infrastructure makes a substantial
14 difference.

15 And what's more, federal law means that
16 all freight trains would be forced to yield to the
17 passenger trains. That's a recipe for disaster in
18 this current environment, particularly as we
19 continue to rebound as manufacturers from the
20 disruptions of the pandemic.

21 To make matters worse, we understand that
22 Amtrak backed out of efforts to collaboratively study

1 and plan for the potential impacts of its plan in
2 2021, leaving stakeholders, including our
3 manufacturers out of the process of engaging
4 regulators to examine the request.

5 This proposal simply won't work for us,
6 and the State of Alabama, nor the Port of Mobile, or
7 manufacturing members that are impacted. Because of
8 that our association cannot support Amtrak's
9 application. We urge the Surface Transportation
10 Board to prevent further supply chain challenges by
11 opposing this plan. Thank you for your time.

12 CHAIRMAN OBERMAN: Thank you Mr.
13 Barganier. Any questions from Board members? All
14 right. There you are just like Amtrak right on time.
15 There you go.

16 MR. BARGANIER: Occasionally.

17 CHAIRMAN OBERMAN: Thank you much for
18 taking time to be with us.

19 MR. BARGANIER: Thank you Mr. Chairman.

20 CHAIRMAN OBERMAN: We're going to go back.
21 I understand that the last speaker from the last
22 panel is now available, Patrick O'Malia from the city

1 of Streetsboro Economic Development Director. Is
2 that right Mr. O'Malia, are you available?

3 MR. O'MALIA: Yes sir. I apologize.

4 CHAIRMAN OBERMAN: No apology needed.

5 MR. O'MALIA: Yeah I was called away
6 actually I will not only say things are on fire here,
7 but in this case we actually did a business on fire.
8 Had to go out and fix that.

9 CHAIRMAN OBERMAN: You're completely
10 excused for that reason. I take it you're not on
11 Zoom? We don't have a video, just your audio?

12 MR. O'MALIA: It seems to be working on my
13 end. I'm not sure why it's not.

14 CHAIRMAN OBERMAN: We can't see you, but.

15 MR. O'MALIA: Let me switch a cord.

16 CHAIRMAN OBERMAN: Okay. If that doesn't
17 work we'll listen. There you are. Very good. All
18 done.

19 MR. O'MALIA: I wish I could tell you I
20 was one of those tech savvy millennials, sadly I am
21 not.

22 CHAIRMAN OBERMAN: I think you are you're

1 hiding in another outfit. Tell us where is
2 Streetsboro?

3 MR. O'MALIA: Streetsboro is part of the
4 Cleveland, Akron metropolitan area. We're an
5 industrial powerhouse for the area. We're a net
6 importer of labor. We have a strategic location
7 along the Ohio Turnpike, which is the second busiest
8 interstate location exit, excuse me, on I-80.

9 We are roughly 10,000 workers a day from
10 as far away as Youngstown and Cleveland a lot of some
11 other minor cities you probably have never heard of.

12 CHAIRMAN OBERMAN: All right. No problem.
13 Go right ahead.

14 MR. O'MALIA: I would just like to read
15 the commentary. And it states that I am the Economic
16 Development Director for the City of Streetsboro and
17 a passionate rail supporter. As it relates to the
18 Alabama Amtrak expansion, I fear that blocking this
19 critical first expansion jeopardizes all other
20 proposed expansions throughout the country.

21 I'm commenting from the Akron metropolitan
22 area, which is committed to and depending on expanded

1 rail service to service the northeast Ohio region.
2 We know that this expansion will improve traffic and
3 our workforce environment, and possibly drive
4 economic expansion.

5 I realize that Amtrak's investment in the
6 expanded routes and service would likely create
7 skilled labor jobs within our community.

8 CHAIRMAN OBERMAN: All right. Any
9 questions for Mr. O'Malia? Well I thank you for
10 sticking with us and that we finally got to hear from
11 you, and I think this is the first hearing I've
12 attended where one of our witnesses had to go put out
13 a fire in the middle of their testimony.

14 MR. O'MALIA: I'm not a fireman, but I was
15 there.

16 CHAIRMAN OBERMAN: This is as you probably
17 have heard, our interpretation of the statute here is
18 a case of first impression, and your putting out a
19 fire equally qualifies as a matter of first
20 impression, so thank you much.

21 MR. O'MALIA: Thank you very much sir.
22 Have a great day.

1 CHAIRMAN OBERMAN: All right. That
2 concludes Panels 7 and 8. And I think it would
3 behoove us we have two more panels. We may end up
4 taking another break before we wrap up for the day,
5 but unless I hear to the contrary from any of our
6 Board members, I think we should move right ahead
7 with our next panel which will be Panel 9.

8 And that I'm going to read off the names
9 so everybody can be ready. Richard Rudolph, Gregg
10 Baxter, Betty Sparkman, Barney Bishop, Michael Hines,
11 Salvatore Pace, MaryAnn Osterbrink, Julius Mullins,
12 and J.W. Madison. With that we'll start with Richard
13 Rudolph. Mr. Rudolph there you are.

14 MR. RUDOLPH: Yeah thank you Chairman
15 Oberman and other members of the STB Board. My name
16 is Richard Rudolph. I'm the Chairman of the Rail
17 Users Network, which is a non-profit organization
18 representing the interests of long distance regional
19 and commuter rail passengers, as well as rail transit
20 riders in the United States.

21 Our mission is to improve and expand rail
22 passenger service to provide mobility for all,

1 including those that cannot drive, or those who do
2 not want to drive to minimize the effects of climate
3 change. I have a number of points that I want to
4 make. First there's a huge discrepancy between the
5 FRA figures to upgrade the track between New Orleans
6 and Mobile.

7 \$118 million versus CSX's figure of 2.3
8 billion. We support the FRA cost estimate regarding
9 the infrastructure improvements needed to allow two
10 daily bound trips from New Orleans to Mobile. We
11 have ADA and other concerns regarding lack of
12 mobility along the proposed line. Persons without
13 private cars may not be able to drive the distance
14 between various cities.

15 A few acceptable options without proposed
16 new Amtrak service. There's very limited bus service
17 between the various cities along the route of the
18 proposed new service. We also have concerns about
19 the January 28th ruling concerning confidentiality,
20 freight movements on CSXT. This should be reversed
21 in order to determine how much new capacity is needed.
22 CSX needs to disclose how much of its existing

1 capacity is in use.

2 That is the number of trains that are
3 operating on any given day, events of the train, how
4 fast they are moving, current location, where they
5 are going, and at what cost. The other concern we
6 have is CSX is putting pressure on shippers to
7 testify which we can see by what's happened all day
8 long today. If CSX is anti-passenger rail, it should
9 not be allowed to purchase Pan Am Railways in New
10 England, which stands to gain additional passenger
11 rail service in the future.

12 And I speak from Portland where I live,
13 Portland, Maine, and CSX leaves much to be desired as
14 far as I can see. The U.S. needs passenger rail
15 capacity to support and grow the current economy. As
16 I think you folks know, passenger rail invigorates
17 downtowns, fueling growth in housing and business,
18 supports tourism, creates high-paying jobs, helps
19 states to achieve environmental goals, enriches the
20 lives of all citizens, and providing increased
21 mobility and opportunities for people.

22 And certainly reduces the burden of

1 widening roadways and highways. We're also concerned
2 about Amtrak's plan known as Connect US 2035. We
3 believe it will be for profit. The program is fully
4 implemented by 2035. Amtrak expects to have added 30
5 or more new routes, and increase service on the
6 existing lines.

7 So when we look at this, the case before
8 the Surface Transportation Board is really a test of
9 the Amtrak plan. If CSX gets its way the new service
10 that's being proposed on Amtrak is actually doomed.
11 And as we already know there's very little Amtrak
12 service compared to what happens in Europe, and other
13 places in the world, including in the Far East, parts
14 of Africa, and elsewhere.

15 In sum, the Surface Transportation Board
16 needs to reject the CSX estimate for the cost of new
17 infrastructure needed on the line between New Orleans
18 to Mobile. If accepted, it will create a dangerous
19 precedent which could ultimately undermine Amtrak's
20 2035 plan to expand service to other cities across
21 the United States.

22 So thank you very much Mr. Chairman, and

1 members of the STB Board.

2 CHAIRMAN OBERMAN: Thank you Mr. Rudolph.

3 I wonder could you tell us a little bit about the
4 Rail Users Network? What is the organization?

5 MR. RUDOLPH: Sure. Yeah. We were formed
6 20 years ago. I at the time was the Chairman of the
7 Amtrak Customer Advisory Committee. And in fact the
8 second Chairman of that organization which no longer
9 exists, and it was out of the frustrations that we
10 had with Amtrak that we decided to create a new
11 national organization.

12 We held a meeting in New York City, and we
13 had over 100 different advocates across the country
14 who came and met with us. And so we were
15 incorporated in Maine in 2002, and I've been serving
16 as the Chair ever since. We have members all across
17 the country. My Vice Chair is a non-voting member of
18 the MTA New York. And as you well know the MTA has
19 several million riders to say the least.

20 And we have members in various other
21 cities across the country. We're not as well-known
22 as the RPA or NARP. That's because we are all

1 volunteers. We don't get paid. There's not enough
2 on the payroll, don't have a payroll. We do have
3 some money, and publish a quarterly newsletter which
4 I should send members of your organization copies,
5 we'd be glad to do that.

6 CHAIRMAN OBERMAN: All right. Well that's
7 helpful. So the membership are individuals not other
8 organizations, or are there organizational members as
9 well?

10 MR. RUDOLPH: There's some organizational
11 members as well as individuals.

12 CHAIRMAN OBERMAN: Okay. Thank you.
13 Thank you. And you primarily came together to be
14 advocates for expanding passenger rail service in the
15 United States, is that your main?

16 MR. RUDOLPH: We certainly support
17 expansion of passenger rail service, not only in the
18 United States, but even in Maine where I live. And
19 so we are concerned about CSX, and we're trying to
20 expand service to Bangor, Maine, which is the second
21 largest city in the state.

22 CHAIRMAN OBERMAN: All right. Well I'm

1 pretty sure Maine is in the United States, so I think
2 you qualify so thank you. Any questions for Mr.
3 Rudolph by Board members? All right. Thank you,
4 appreciate it. All right. Next up is Gregg Baxter,
5 Director of Developing Markets for the Herzog
6 Contracting Corporation.

7 MR. BAXTER: Thank you. Can you hear me
8 okay?

9 CHAIRMAN OBERMAN: Yes sir.

10 MR. BAXTER: All right. Thank you
11 Chairman Oberman, members of the Board for allowing
12 me to testify today. My name is Gregg Baxter, and I'm
13 Director of Development Markets for Herzog Transit
14 Services. Herzog is a leading rail and heavy highway
15 contractor across North America.

16 We efficiently solve complex
17 transportation problems in challenging operating
18 environments thanks to 50 years of experience in our
19 highly qualified teaching professionals. Herzog
20 provides state of the art equipment, technology
21 construction and operations and maintenance services
22 to owners and operators of Class 1 railroads, transit

1 agencies, state transportation authorities and
2 contractors.

3 In fact, Herzog currently is responsible
4 for the operation and maintenance of 15 commuter rail
5 and streetcar projects throughout North America,
6 spanning all the way from California to Florida.
7 We're the only operator a state supported intercity
8 service to the U.S. other than Amtrak with our CT
9 rail services between New Haven, Connecticut and
10 Springfield, Massachusetts, which Herzog had been
11 providing since 2017.

12 In fact, in 2019 pre-COVID, Herzog
13 passenger commuter trains carried more passengers
14 than Amtrak did domestically. Although my tenure
15 with Herzog has been short, I have been involved in
16 the past with the rail industry for over 30 years,
17 including work in both public and private sectors,
18 with almost half my career working for Amtrak.

19 This experience has provided me a solid
20 foundation of understanding how passenger rail
21 service is currently provided, and the opportunity to
22 provide to and from -- I'm sorry, to improve the

1 paradigm to provide and expand passenger rail
2 services in the U.S.

3 President Biden and his Administration
4 have created great opportunities for new and existing
5 passenger rail services. The private industry Class
6 1 railroad, state and local rail authorities, and
7 other stakeholders would be essential in meeting the
8 goal and intent of Congress, to redefine how
9 passenger services are provided.

10 I think it is important to state that we
11 at Herzog take no formal position on the pending
12 matter before the Board, other than to support the
13 restoration of the Gulf Coast service in a timely and
14 efficient manner. Having said that, we do feel
15 strongly that Herzog gets all the capabilities of the
16 passenger rail operator to provide the necessary
17 services to operate the Gulf Coast Service on behalf
18 of the Southern Rail Commission.

19 And we'll welcome the opportunity, if
20 presented to provide a proposal for services to the
21 Commission for consideration. Throughout my career I
22 have had the opportunity to work and collaborate with

1 almost all the Class 1 railroads throughout the U.S.
2 In fact, through my tenure with Amtrak and as the
3 operator of the very service on CSX property, I have
4 worked hand in hand with them.

5 Based on that experience, I can honestly
6 say that CSX is very supporting of passenger
7 operations, and have always worked diligently with
8 state and local rail authorities and operators to
9 ensure that any passenger services planned and
10 operated properly, and is compatible with its freight
11 networks, so both freight and passenger can work
12 seamlessly together.

13 In my opinion CSX is an industry leader in
14 providing and operating passenger rail service on
15 their network. CSX has always taken an innovating
16 approach to passenger rail, in how they manage the
17 many complex issues that come with the provision of
18 passenger trains on a predominantly freight network.

19 Two examples I'm intimately familiar with
20 are the extension of the Fredericksburg service south
21 of Savannah, and the historical sale of the
22 right-of-way of the RFP subdivision for the State of

1 Virginia, which created dedicated passenger freight
2 tracks from Washington, D.C. to Richmond, VA.

3 Without CSX's support and effort and
4 innovative approaches with these projects, it would
5 never have become a reality. Since the 1990's the
6 commuter rail industry has been open to competition,
7 and it has experienced the benefits that a
8 competitive marketplace creates, including
9 innovation, efficiencies and transparencies.

10 There's absolutely no reason why similar
11 results would not occur in the intercity market. As
12 a leader in the industry, Herzog is a strong
13 advocate for introducing competition to the
14 intercity market where no individual company has an
15 absolute right to provide this service. We strongly
16 feel that all qualified companies, including Amtrak,
17 should have the opportunity to provide a proposal in
18 a transparent and fair procurement process that would
19 allow a public agency or entity responsible for the
20 service, to make a best value decision on how those
21 passenger services should be provided.

22 No one company should have statutory,

1 legislative advantage, or ability to limit
2 competition. Such framework is anti-competitive,
3 stifles innovation, impedes choices and
4 transparency, and reduce options for service
5 sponsors, taxpayers and passengers. Although in our
6 opinion freight railroads should retain the legal
7 obligation to continue to host passenger trains on
8 their network, the right of access should not be in
9 the possession of one singular entity that also
10 operates the service, but rather a mutual entity
11 within the Department of Transportation.

12 In many instances states are providing the
13 vast majority of the subsidy, and all the capital
14 investment along their corridors. Amtrak assets paid
15 for by the federal government should serve as a
16 benefit for the public, and be available to all
17 operators to provide passenger services.

18 All aspects of the operations should be
19 commercially negotiated with the host railroad on
20 mutually agreed contractual terms, while providing
21 the public benefit for both passenger and rail users.
22 In our experience a normal way to enhance service in

1 a complex congested rail corridor, is to conduct an
2 operational study to evaluate this efficiency of
3 existing infrastructure, and identify needed
4 improvements.

5 Then the parties can use the results of
6 that study to helpfully negotiate adjusted terms and
7 service, and agree on what investments are required
8 to ensure that the network performance is not
9 degraded while delivering a quality and reliable
10 passenger service experience to the public.

11 Herzog is a private company that can
12 provide a unique perspective to starting a new
13 service, or expanding existing service. We have
14 substantial experience not only in operations and
15 maintenance, but also in design, construction over
16 our systems. We design, build and maintain
17 railroads. An example Herzog could work
18 collaboratively with the host railroads to provide a
19 realistic evaluations of infrastructure needs, and
20 more importantly the costs associated with building
21 needed improvements.

22 Additionally, Herzog could work closely

1 with the host railroad to develop a phased approach
2 to allow services to start quicker with a realistic
3 schedule to increase service levels as capacity
4 projects are completed. In our discussion with the
5 various host railroads and rail agencies throughout
6 the U.S. it is evident that there is a coalition
7 forming to revamp the 50 plus year old model by
8 providing ancillary passenger services, for a new,
9 innovative and collaborative approach that invites
10 and welcomes competition, strong participation and
11 involvement from the agencies.

12 Host railroads over the years have become
13 comfortable with the private operators on their
14 properties and have shown a desire to work
15 commercially with the industry to the provision of
16 passenger service. We acknowledge that host
17 railroads only maintain a valuable essential
18 transportation asset, and that has great value and
19 utility.

20 Using commercially negotiated terms and
21 conditions would permit new services, or expansion of
22 existing services to get to revenue services more

1 quickly and more economically because the parties
2 would be interested and engaged in the mutually
3 beneficially initiatives.

4 In short, it would expedite the
5 advancement of passenger rail service. In addition,
6 we do not hear of many disputes between commuter
7 agencies and freight railroads concerning access or
8 operation and performance. Let me finish here real
9 quickly.

10 One common misconception in discussing
11 private operators is that they're success will be at
12 the expense of labor. I can categorically state that
13 this is and was never the case. Herzog, along with
14 other private operations work collaboratively with
15 numerous rail unions and labor organizations for
16 years, and we understand the unique environment
17 working under collective bargaining agreement, and
18 look forward to continuing to build a mutually
19 beneficial relationship, and work with them on
20 intercity opportunities where they are valued and
21 sustained members of the team.

22 In the provisions of the intent of the

1 Infrastructure Investment and Job Acts, in addition
2 to Amtrak's Connects US plan, are game changing for
3 the industry, and the future intercity rail, the near
4 and long-term opportunities are significant, and the
5 honest truth is that no one entity or company can
6 successfully deliver all the projects.

7 This does not have to be a zero-sum game
8 and so listen to private industry. It's the only
9 practical way to achieve the goals and objectives set
10 out along Amtrak's robust plan. In fact, Congress
11 should recognize many of these factors and include
12 language in the bipartisan infrastructure law that
13 requires consideration of private operations and the
14 issuance of certain passenger rail funding.

15 What I am proposing is a new model for the
16 provision of intercity rail service, one that invites
17 competition, and influences innovation and
18 efficiencies. One only needs to look at the
19 accomplishments in the aerospace industry that
20 demonstrates the positive effects that competition
21 will have on a specific industry.

22 The innovations and advancements in this

1 sector are tremendous and they're only possible when
2 competitive forces were introduced. I want to be
3 clear that we are not anti-Amtrak, but we are
4 pro-passenger and freight and rail, and pro
5 competition. Amtrak plays, and will continue to play
6 a vital role in the provisions of passenger rail
7 services, even after competition is introduced to the
8 intercity passenger space.

9 This competition will accelerate the
10 expansion and quality of services while preserving
11 the competitive advantage that freight rail provides
12 to the American economy. In closing, Herzog is ready
13 to engage with the Southern Rail Commission work
14 properly with the host to bring new intercity
15 passenger service to the Gulf Coast. Thank you for
16 the time, and I'd be happy to answer any questions.

17 CHAIRMAN OBERMAN: Thank you Mr. Baxter do
18 any board members have any questions? Karen?

19 BOARD MEMBER HEDLUND Thank you. Mr.
20 Baxter are you suggesting that private operators
21 ought to have the same access to the Board as Amtrak
22 does if the terms and conditions of access and new

1 passenger service can't be resolved?

2 MR. BAXTER: I'm suggesting that access
3 should be commercially negotiated, and no one company
4 should own that access right. So it should sit
5 somewhere else.

6 BOARD MEMBER HEDLUND: Thank you.

7 CHAIRMAN OBERMAN: Any other questions for
8 Mr. Baxter? Thank you sir. Appreciate your time and
9 your extensive background in this area.

10 MR. BAXTER: Thank you.

11 CHAIRMAN OBERMAN: Our next speaker Betty
12 Sparkman.

13 MS. SPARKMAN: Thank you Mr. Chairman. I
14 have been watching you all most of the day, and all I
15 can say is bless your hearts. My goodness. I am
16 Betty Sparkman, a member of --

17 CHAIRMAN OBERMAN: Betty I have to
18 interrupt you. I've been on the Board for three
19 years and nobody has blessed my heart yet, so thank
20 you very much.

21 MS. SPARKMAN: My pleasure. My pleasure.
22 I am Betty Sparkman, a member of the City Council of

1 Pass Christian, Mississippi. And I believe that I
2 have a unique perspective on this issue. Pass
3 Christian is a town of about 6,000 people along the
4 Mississippi Gulf Coast.

5 It is approximately six miles wide east to
6 west, and about a mile deep, south to north. The CSX
7 railroad runs the entire length of Pass Christian,
8 and nearly perfectly bisects this town. No one here
9 in the Pass lives more than half a mile from these
10 tracks. Also we're about an hour from both Mobile
11 and New Orleans.

12 I am perplexed by those who say passenger
13 service will clog these rails. Here, trains run on
14 this track about 10 times a day. I know that's true
15 because my house shakes about 10 times a day, and my
16 dog barks at the train whistle, you guessed it, about
17 10 times a day.

18 Allowing passenger rail service on these
19 tracks would really be positive for our community,
20 and it beautifully meshes with this city's desire for
21 more tourism, and safer access for our citizens to
22 Mobile and New Orleans. Thank you very much for your

1 service, and this opportunity to tell my story.

2 CHAIRMAN OBERMAN: Thank you so much. Are
3 there any questions for Miss Sparkman?

4 BOARD MEMBER PRIMUS: I don't think any of
5 us could have said it any better. Thank you very
6 much.

7 CHAIRMAN OBERMAN: I will only say this
8 Miss Sparkman, we try to organize elected officials
9 at the beginning of the hearing, and you were so
10 modest, apparently you didn't tell us you were a
11 member of the City Council, so you came with this
12 group, but either way your testimony is just as
13 important. We just sort of called on you early in
14 the day if we had known, so thank you.

15 MS. SPARKMAN: That is my pleasure. We
16 have a meeting tonight, so keep us in your prayers.

17 CHAIRMAN OBERMAN: Will do so. Thank you
18 so much, and keep blessing our hearts because we need
19 it.

20 MS. SPARKMAN: Thank you.

21 CHAIRMAN OBERMAN: All right. I am told
22 that Barney Bishop and Michael Hines are not on the

1 program. Are either of them here? Mr. Bishop, Mr.
2 Hines? Okay. We will move forward with Salvatore
3 Pace. Mr. Pace?

4 MR. PACE: Yes sir.

5 CHAIRMAN OBERMAN: All right.

6 MR. PACE: Mr. Chairman.

7 CHAIRMAN OBERMAN: Yes sir?

8 MR. PACE: Thank you. Although I've been
9 watching for multiple hours I was not prepared to be
10 up right this quickly. Thank you Mr. Chairman and
11 members of the Board. This is an honor and
12 privilege. I served in the capacity appointed by the
13 Governor in Colorado as the Vice Chairman of the
14 Colorado Rail Commission, and I'm a former County
15 Commissioner in Pueblo County, Colorado, served a
16 couple terms there, and served in the State House
17 where I served as minority leader there.

18 And I was hoping to be with the former
19 elected officials somewhere earlier in the agenda,
20 but I guess no such category. I am an LSU alumni,
21 and I do spend a lot of time in New Orleans in the
22 Gulf Coast, and definitely a future user of this

1 service. And as a former resident and frequent
2 visitor to the Gulf Coast, I know that I-10 is
3 terribly congested, and we all know that the Gulf
4 Coast in New Orleans have exceptionally high levels
5 of poverty compared to the rest of the country.

6 And I'm honored to be here speaking on
7 behalf of Amtrak's request for returning service to
8 the Gulf Coast. It's been too long since Hurricane
9 Katrina, 17 years without this service, and this is
10 one of the lasting travesties that catastrophe, and
11 it's about time to have this service restored for the
12 citizens of the Gulf Coast and the country.

13 In Colorado we have plans for expanded
14 rail service. We're planning on doing front range
15 passenger rail from state line to state line, from
16 Wyoming to New Mexico. 85 percent of the state
17 support this service in polling. The legislature has
18 established a new taxing district for passenger rail
19 here in Colorado, and we plan on working with the
20 Amtrak and the federal government on some of the
21 infrastructure package, but we also plan on taxing
22 ourselves for this service as well.

1 And we have a great relationship with our
2 Class 1 freight partners. Host railroads, BNSF and
3 UP here in Colorado. We have been honest brokers
4 and we worked with them closely as we expand the
5 service, and they're also major employers here in
6 Colorado, and specifically Pueblo, the community that
7 I represented for a decade.

8 Today's hearing is not only important for
9 the Gulf Coast, but it's also important for the rest
10 of the country in communities like Colorado and
11 Madison, Wisconsin. It's great for Pennsylvania,
12 whom we heard from previously because this will be
13 precedent setting.

14 Your decision today will affect how
15 quickly these communities get passenger rail service
16 back. Your decision will likely affect the cost of
17 rail service, passenger rail service, and how much
18 the taxpayers have to dole out in order to accomplish
19 passenger rail service. It could also determine
20 whether future new corridors are even developed.

21 And what are the arguments against those
22 renewal service? We're told that CSX service will be

1 unreasonably impaired. The contract desires four
2 trains and two round trips daily. These numbers are
3 miniscule. It strains credulity to believe that
4 these very few number of trains will unreasonably
5 impair service. I have been listening all morning
6 and into the afternoon. About a massive size of the
7 freight and shipping yard in Mobile. --- that these
8 four trains and two round trips of passenger routes
9 will unreasonably impair this massive freight
10 shipping yard. That doesn't make logical sense. And
11 if they do unreasonably impair freight service, we
12 need to demand to see the actual evidence and proof.

13 The burden should not be on the citizens
14 to disprove a negative when we're not even provided
15 the evidence of the impaired service. Alternatively,
16 the opponents projected 400 million dollars in
17 government bailout to cover the costs of upgrades to
18 their lines. This is a terrible precedent setting as
19 well that would make passenger rail unreasonably
20 expensive for the citizens of the United States.

21 If you deny this service, I'm afraid you'd
22 be setting a precedent that will stifle, if not kill,

1 future passenger service corridors across the
2 country. And it's with a humble heart, and I
3 request that guys approve this rail service for the
4 citizens of the Gulf Coast and the United States.

5 CHAIRMAN OBERMAN: Thank you Mr. Pace.
6 Appreciate your public service and your public spirit
7 in attending this hearing, even though it's far from
8 your home. Very helpful. And I don't think we did
9 have a category for former elected officials, or I
10 would have fallen into it myself probably.

11 MR. PACE: I was just being a brat there,
12 that's all.

13 CHAIRMAN OBERMAN: That's okay.
14 Appreciate your staying with us. All right. So our
15 next speaker --

16 BOARD MEMBER HEDLUND: Mr. Chairman?

17 CHAIRMAN OBERMAN: Yes I'm sorry Karen. I
18 didn't see you there. Karen has a question for you.

19 BOARD MEMBER HEDLUND: Yeah. As a
20 resident of Colorado I just wanted to say Sal thank
21 you very much for coming here. And someone who has
22 previously worked on the front range I certainly

1 hope you will never have to prove a case before us.
2 But I should also point out the difference between
3 the Chairman and me is that the Chairman has Miro
4 sketches I think they are on his wall behind him, and
5 I have an 1887 map of the State of Colorado.

6 And most of the lines on that map as you
7 know are railroads. And it was looking at that map
8 where I finally figured out why it is that Southwest
9 Chief doesn't go to Denver. It goes, comes up from
10 New Mexico, and winds up in a little place called
11 LaJunta, which is a wonderful place, but it's miles
12 from them.

13 And it was because in 1887 the Santa Fe
14 railroad didn't go to Denver. So you know I find the
15 expansion of passenger rail maybe bringing it back to
16 where it used to be, including Colorado is a very
17 interesting development, and Sal thank you again for
18 being here.

19 MR. PACE: Thank you. Thank you very much
20 Karen. It's really a privilege and a pleasure to
21 come here. And it follows the route of the Santa Fe
22 Trail from LaJunta down to Trinidad and then down

1 through over Raton Pass, the same path that the
2 historic Santa Fe Trail, and it's something we've
3 been working a lot on, and raised a couple hundred
4 million dollars to upgrade those tracks over the last
5 10 years in a really collaborative manner with
6 freight and state government.

7 But it was a very convenient trip to make
8 this hearing today just like my friend Paige Cognetti
9 the Mayor of Scranton, Pennsylvania's light speed air
10 traffic today.

11 CHAIRMAN OBERMAN: Thank you, thank you
12 both. All right. The next witness is Miss
13 Osterbrink, and I apologize because when I read your
14 name at the beginning I did not read your complete
15 name. MaryAnn Osterbrink, and that's possibly
16 because I don't believe I have ever met a person
17 named Maple before. So Miss Osterbrink with no
18 detriment at all, I call on you next.

19 MS. OSTERBRINK: Kind of German Dutch as
20 well Mr. Oberman, thank you. My name is Maple
21 Osterbrink. I live in Chapel Hill, North Carolina.
22 Can you hear me?

1 CHAIRMAN OBERMAN: Yes very well thank
2 you.

3 MS. OSTERBRINK: Okay great, thanks. I
4 was born and raised in Chicago where you were City
5 Council, and I rode plenty of ground transportation
6 there in Chicago, but we had a car as well in the
7 suburbs. I appreciate you pleasantly checking on
8 what people shared today Mr. Oberman, to drill down
9 on their details of it, and get it over with. I like
10 that because it takes thoroughness.

11 It looks like things have already been
12 talked about, the decisions are going to be made, and
13 that's what we need. I'm all for the rail, more
14 rail, and I'm not for Amtrak having to pick up the
15 cost. That's the summary right there. But my focus
16 is the climate crisis which I don't hear talked about
17 today hardly at all.

18 I'm scared every day from the time I get
19 up in the morning for myself and all the people that
20 I know, and that I don't know now and in the future,
21 not only my grandchildren, but right now, because
22 we're having these storms. Things are going much

1 faster than the models.

2 The models have been wrong, and it's
3 crazy, and they're out of control, and people really
4 don't know what to do. They're trying to get a
5 handle on it, but my focus is that. And so I'm
6 especially interested in rail because of the low
7 emissions of rail as you might know, it's only
8 six-tenths of a percent of the total U.S.
9 transportation emissions.

10 And therefore its ability to quickly
11 decarbonize much of our transportation in the U.S. is
12 more if implemented in the right way and fast, so
13 that's my focus, and one of them is increasing
14 passenger rail like the Gulf line that we're talking
15 about today.

16 I'm a member of a coalition called
17 Solutionary Rail. It was started over five years
18 ago. It's purpose is to use rail smartly, and to get
19 long haul diesel trucks onto trains as much as
20 possible and electrify the shorter haul trucks, which
21 they do in Europe. You know they roll them on, roll
22 them off the trains. And to electrify the rail

1 ideally, I mean that's where we're going let's face
2 it, so let's do it quicker than slower.

3 And install the high voltage DC
4 transmission lines, maybe buried along the rail
5 corridors instead of along the highways, so that's
6 our group's long-term goals. And to use that
7 Midwest, the MISO bridge in the Midwest, that wind
8 energy is trapped in the Midwest because of the grid
9 congestion and where our grid is not all connected as
10 most of us know, so it's trapped there.

11 So this train -- electrifying the train
12 can move that wind power from the Midwest and the PJM
13 to the coast where it's needed at night especially.
14 And Mr. Oberman we appreciate your stance on the STB
15 taking a better look at the Utah rail for that case.
16 We were really glad about that, so we actually sent
17 you a thank you letter.

18 We had 135 groups and individuals who
19 signed the thank you letter for you, so I just wanted
20 to let you know. I'm in that group and we appreciate
21 you know people going with their values, making
22 sense, doing the practical thing rather than just the

1 political you know. Everything is so rushed now and
2 political. And parties, it's not right. And we want
3 to take our time and do the right thing, and I'm glad
4 you guys are doing that.

5 I'm also glad to see Miss Hedlund is now
6 in the group. It took a while for her to get in
7 there. And I agree totally with the Rail Passengers
8 Association, Mr. Mathews. I totally loved what he
9 said, so I'm right on with him the feelings and
10 opinions he expressed you know everything that I
11 agree with today, and a few people I didn't agree
12 with about.

13 Well the Pelican, I looked it up, it's an
14 Alec Group, A-L-E-C, so we have a lot of that going
15 on with political and energy combined unfortunately
16 going behind the scenes, pushing opinions, and
17 letters and things like that. But the Class 1
18 railroads do get plenty of help, and let's not forget
19 we all know that they were handed the tracks a long
20 time ago, 100 years ago in exchange for being that
21 common carrier obligation, and that they owe us the
22 American people.

1 They owe us the preference, as was
2 mentioned by FRA's Mr. Bose did mention that today
3 about we're supposed to be preferential to the
4 passenger rail you know. Freight is not the boss.
5 It's supposed to be cooperative. So he reminded us
6 of that, and also the Amtrak speaker mentioned that
7 it's preferential, and that's in the law, so.

8 And you know I don't know who did it, but
9 LA, they dismantled those tracks and the streetcars,
10 so I think most people realize that happened a long
11 time ago, and we don't want that to keep going to
12 have autos be the -- we can't afford it, the climate
13 can't afford autos to be the focus.

14 We need our rail back for every level,
15 freight and passenger, and the American people.
16 That's what they want. Talk to anybody on the street
17 oh yeah, we love our trains, they want them back, we
18 want more trains. And so we believe that operation
19 and infrastructure should be separate by the way, so
20 because otherwise we just keep getting into these
21 years of basic funding fights, and we don't get
22 anywhere fast enough for transportation that the

1 climate and America needs, you know.

2 It's just on and on about the money, and
3 it just doesn't seem able to work out, so all the
4 ways things are set up financially with the operation
5 and you know the infrastructure being together, such
6 as PSR.

7 CHAIRMAN OBERMAN: Thank you. Thank you
8 very much and thank you for the kind words. I would
9 say by the way that I don't think our decision in the
10 UINTA case was political. On the other hand I did
11 remember it having been won in a four to one vote did
12 remind me of my City Council days where the vote was
13 often 49 to 1. At least my percentages are getting a
14 little better. But thank you very much for taking
15 the time to join us. Does anybody have any other
16 questions for Miss Osterbrink? All right. So thank
17 you so much for being here, I appreciate it. I
18 appreciate your concern and your public spiritedness.

19 Okay. We will move on to Julius Mullins.
20 Is Mr. Mullins still on the ground? Well if not
21 let's move oh -- there he is, there you are okay.
22 Can you if you have your video available, there you

1 are. Mr. Mullins, your floor.

2 MR. MULLINS: Thank you. I feel like I
3 should hang up because Mr. Pace and Miss Osterbrink
4 said it all. I represent a private citizen. My name
5 is Julius Mullins, I'm a retired physician in Baton
6 Rouge, Louisiana. And as most people remember the
7 Railroad Services Passenger Act of 1970 relieved the
8 railroads of their financial obligations to run the
9 passenger trains.

10 It was a huge undertaking by the
11 government and a huge financial help for the
12 railroads. The railroad's forefathers of the host
13 railroad signed up for the Railroad Passenger Act 50
14 years ago. They agreed to let Amtrak use their
15 railroads which Amtrak has created. The Act is still
16 in force, and many people it sounds like today don't
17 realize that.

18 And the host railroads have not only
19 demonstrated that the proposed service between Mobile
20 and New Orleans would impact these railroads in
21 abeyance on the way. Before Hurricane Katrina the
22 Mobile to New Orleans route was running pretty

1 regular, and it went on to Jacksonville.

2 It's not a high speed corridor, so it
3 seems that there wouldn't be very many extensive
4 upgrades would be needed. And there's no other way
5 to get to Mobile to New Orleans besides Amtrak
6 except Interstate 10, which is often congested and
7 backs up and often at a standstill.

8 And let's see. And really there should be
9 a concerted effort to promote intercity travel
10 besides pouring more concrete because all these
11 interstates and highways, these medium size cities
12 have very congested on the highways as well. And
13 this isn't only true for New Orleans to Mobile, but
14 it's true all over the country, especially in the
15 south.

16 Routes like Shreveport to Dallas, those
17 interstates are congested. Nashville to Atlanta or
18 Charlotte to Richmond. All these interstates are
19 always congested. And a lot of senior citizens
20 aren't able to drive some of these distances, and
21 rail travel is an obvious choice. That's all I've
22 got to say. Thank you for your time. I'm not

1 hearing you.

2 BOARD MEMBER PRIMUS: Marty you're muted
3 Marty.

4 CHAIRMAN OBERMAN: I apologize. Thank you
5 very much for your testimony. I forgot to unmute
6 myself. I appreciate you taking time to be with us
7 today.

8 MR. MULLINS: Thank you.

9 CHAIRMAN OBERMAN: Any questions for Dr.
10 Mullins? Okay thank you.

11 MR. MULLINS: Thank you.

12 CHAIRMAN OBERMAN: Our next speaker is by
13 telephone if he is with us, J.W. Madison. Mr.
14 Madison I guess it's Mr. Madison, are you able to
15 connect? Okay. Well if he is not because the hour
16 is late, I would like to move on to Panel 10. We
17 have five more speakers. Is the Board, it could be
18 that two of those speakers are not on anymore either.
19 Oops, I seem to have lost my connection. There we
20 go.

21 Unless I hear from the other Board members
22 about a break, should we just proceed? Okay. So we

1 have Grace Gallucci and next I don't have a name, but
2 a representative of the Riverside County
3 Transportation Commission. And let me see, I'm just
4 -- and Stuart Nicholson. There are two other people
5 who don't seem to be on the program, Julio Fuentes,
6 and John James, but if they're there I will call on
7 them as well. So let's start with Grace Gallucci.
8 There she is.

9 MS. GALLUCCI: There we go. Good
10 afternoon.

11 CHAIRMAN OBERMAN: All right. We don't
12 have your video if you have one.

13 MS. GALLUCCI: Let's see there we go.

14 CHAIRMAN OBERMAN: There you are.
15 Perfect. Thank you.

16 MS. GALLUCCI: Great. Thank you so much.
17 My name is Grace Gallucci, and I'm the Executive
18 Director and CEO of the Northeast Ohio Areawide
19 Coordinating Agency. The federally designated
20 metropolitan planning organization for Greater
21 Cleveland.

22 I very much appreciate the opportunity to

1 speak today regarding this important Gulf Course rail
2 corridor, and the implications for passenger rail
3 service throughout the nation. While many other
4 speakers can testify about the particulars of the
5 New Orleans to Mobile route under consideration
6 today, I'm here to express my concern about the
7 important precedent that will be set by this case.

8 NOACA conducts transportation and
9 environmental planning for the five counties
10 surrounding greater Cleveland. We represent 166
11 cities, villages, townships, with a total population
12 of 2.1 million. We are governed by a 48-member board
13 comprised of local elected officials. In 2001 the
14 NOACA Board adopted a 30 year long-range plan,
15 eNEO2050, an Equitable Future for Northeast Ohio.

16 This detailed document lays out a vision
17 for maintaining and transforming the region's
18 transportation system over the next three decades.
19 As the plan's title would indicate the entire plan
20 is grounded in the concept of equity, providing an
21 equitable transportation system that meets the needs
22 of all residents, including those who do not own or

1 drive a car, either by choice or by necessity.

2 This plan envisions equitable access to
3 jobs, healthcare, commerce, recreation, and all the
4 various destinations that contribute to a good
5 quality of life. This long-range plan is also
6 premised on a clear understanding of the
7 environmental issues facing our nation, and the need
8 to create a resilient transportation system while
9 also mitigating the transportation sector's negative
10 impacts on climate.

11 By offering residents more choices in the
12 way they move about the region, and to and from other
13 regions, NOACA's plan aims to reduce single occupant
14 vehicle travel, which will improve air quality and
15 public health while also reducing climate changing
16 carbon emissions. Taken together, the changes
17 envisioned in eNEO2050 will help create a healthier
18 and safer region with a stronger economy, and
19 increased job opportunities.

20 However, NOACA also recognizes the
21 importance of connecting our region to the rest of
22 the nation via a robust multimodal national

1 transportation system. Cleveland is an important
2 Midwestern hub connecting the east coast cities to
3 Chicago and points west.

4 Our region is well served by several major
5 interstates and turnpikes, freight rails and Amtrak
6 service, airports, and the Port of Cleveland. But as
7 we look to the future and the need to decarbonize our
8 national transportation system, NOACA is increasingly
9 focused on the need for improved rail service, both
10 passenger and freight, to enhance the region's
11 economy and quality of life.

12 For that reason, NOACA is working with our
13 local congressional delegation to seek funding for a
14 service development plan for the Cleveland to Toledo
15 to Chicago rail corridor. This strategic corridor
16 connects world-class manufacturing regions that are
17 connected to international markets via shipping
18 routes.

19 This corridor also provides affordable and
20 equitable passenger rail access to millions of people
21 connecting them to jobs and business travel, tourism,
22 opportunities, and colleges. Smart investments in

1 this existing corridor will allow Amtrak to improve
2 vital passenger rail service in the Great Lakes
3 region while also providing enormous benefit to the
4 freight and rail carriers.

5 In addition, NOACA strongly supports
6 Amtrak's plan to add new service throughout Ohio,
7 including connecting Cleveland via passenger rail
8 service to Columbus, Cincinnati and Dayton. This
9 expanded service would further position Greater
10 Cleveland as a strategic passenger rail hub in the
11 Midwest, and create new connections for jobs and
12 tourism in Ohio.

13 In sum, NOACA supports the Amtrak Connects
14 US visit to improve and expand passenger rail
15 service throughout the nation. With recent enactment
16 of the bipartisan infrastructure law, the time is
17 right to move forward on long-delayed plans to
18 improve passenger rail service in the U.S.

19 Northeast Ohio, the Gulf Coast, and many
20 other regions throughout the nation would reap
21 enormous benefits, economic, environmental and equity
22 from improved passenger rail service. Failure to

1 take advantage of this opportunity however, would
2 represent a historic missed opportunity for our
3 nation.

4 I urge the Surface Transportation Board to
5 support passenger rail service along the Gulf Coast
6 corridor, connecting New Orleans and Mobile,
7 restoring and improving Amtrak service will provide
8 efficient, safe, affordable, and low-emission
9 transportation options for millions of residents in
10 that region. Amtrak has the right to access this
11 corridor, and any other corridor in the United
12 States.

13 The Surface Transportation Board's
14 decision in this case will set an important precedent
15 for Amtrak's expansion plans throughout the nation
16 including in Ohio. Thank you very much for giving me
17 the opportunity to address this Board today. I
18 appreciate your time and your attention.

19 CHAIRMAN OBERMAN: Thank you very much
20 Grace, and a great deal of respect for regional
21 planning commissions because I was a member of CMAP
22 for a couple of years.

1 MS. GALLUCCI: Oh wonderful.

2 CHAIRMAN OBERMAN: Chicago, so we were
3 your analog I think as to what you are running in
4 Cleveland, so very important work. Thank you so
5 much.

6 MS. GALLUCCI: Sure thank you.

7 CHAIRMAN OBERMAN: Any questions for Miss
8 Gallucci? All right. Thank you. The next witness
9 is a representative of the Riverside County
10 Transportation Commission. Is there a person for
11 that entity?

12 MR. KNUDSEN: Yes good afternoon Chairman
13 and Board members.

14 CHAIRMAN OBERMAN: There you are. I
15 Apologize we did not have your name on the list, but
16 you exist there you are.

17 MR. KNUDSEN: Not to worry. We are here,
18 and we're ready to participate. Thank you for having
19 me, for being available to hear my comments today.

20 CHAIRMAN OBERMAN: Thank you much.

21 MR. KNUDSEN: I'm David Knudsen. I'm the
22 Interim External Affairs Director at the Riverside

1 County Transportation Commission, a regional
2 transportation planning agency providing mobility
3 options for the 2.4 million residents of Riverside
4 County, located in inland Southern California, so
5 it's a warm day today in Southern California. I'm
6 happy to be here.

7 RCTC supports Amtrak's ability to expand
8 intercity rail across the country. The outcome of
9 this hearing will impact intercity rail projects
10 across the nation, including in California. Quite
11 simply, and to conclude my comments, we believe that
12 both passenger rail and freight rail will benefit
13 from a clear process from STB. This concludes my
14 comments.

15 BOARD MEMBER PRIMUS: Marty you're muted
16 again.

17 CHAIRMAN OBERMAN: Yeah there we go.
18 Sorry. That was short and sweet, and given the
19 lateness of the hour we much appreciate it. Any
20 questions for Mr. Knudsen? Okay. Thank you very
21 much. I am told that Julio Fuentes is not on the
22 program. If he is if I've missed him speak up.

1 And also John James, also not on the
2 program. All right. So our last witness for today
3 then will be Stu Nicholson, All Aboard Ohio. We have
4 a lot of great representation from Ohio. Maybe we
5 ought to get this train to run straight up from
6 Mobile to Cleveland somehow. Mr. Nicholson. Well
7 perhaps he has also not been able to --

8 MR. NICHOLSON: I am here.

9 CHAIRMAN OBERMAN: There you are.

10 MR. NICHOLSON: Yes I am here. I'll do my
11 video here we go.

12 CHAIRMAN OBERMAN: There you are. We can
13 see and hear you go ahead.

14 MR. NICHOLAS: Okay. Let me first thank
15 all of the members that are here from the Board,
16 having once served as the public information officer
17 for the Ohio Rail Development Commission, and been
18 through a number of long hearings and meetings, I
19 want to thank you for your time today. You've taken
20 a lot of testimony very patiently, and you should be
21 given credit for your endurance, that's for sure.

22 You know it strikes me as listening to the

1 previous testimony today that CSX is essentially
2 asking Amtrak to pay for capacity improvements for
3 their rail corridors over and above the dollars that
4 have already been pledged by Amtrak as well as state
5 and local governments, pledges that were estimated
6 and approved by the Gulf Coast working group that was
7 established by Congress.

8 In particular, listening to John Robert
9 Smith and the members of the Southern Rail
10 Commission, one could argue that this strategy being
11 conducted by the railroad is somewhat in the
12 tradition of the late Gulf Coast pirate jungle feat,
13 demanding tribute to re-establish rail service along
14 the same Gulf Coast.

15 Judging from the letters to the STB that I
16 have read from the railroads, and some of their
17 allies, it appears that Amtrak, or any other
18 passenger rail providers can expect the same demand
19 for tribute, no matter if the rail corridor runs
20 along the Gulf Coast, or through the middle of Ohio.

21 And no matter if states, local
22 governments, metro planning organizations and private

1 sector entities pledge their dollars to support this
2 new and expanded service. This in our estimation
3 from All Aboard Ohio is a huge unnecessary and
4 unreasonable obstacle at a time that our nation
5 desperately needs faster, more frequent trains,
6 serving more population and commerce centers like the
7 Cleveland, Columbus, Dayton, Cincinnati corridor
8 here in Ohio that Grace Gallucci had mentioned
9 earlier.

10 We are a state with nearly the population
11 density by the way of the nation of France, and that
12 corridor that I just mentioned is the most densely
13 populated and heavily travelled corridor in the State
14 of Ohio. Amtrak plans to revive service on this
15 corridor, as well as provide expanded service on
16 existing routes that connect Ohio with the nation.

17 Our citizens need it better connect to
18 jobs, education and healthcare, or the travel on
19 business, or as the Mayor of Crestline this morning
20 said earlier, even if it's just to get to the airport
21 or a baseball game. Our states and cities need this
22 to attract more business and jobs by demonstrating

1 that we a bigger, more mobile, and available labor
2 pool.

3 I think even the shippers who have written
4 and testified today on behalf of CSX must understand
5 that a larger labor pool, and a mobile labor pool is
6 good for business. Even CSX, which is as we speak,
7 running ads on social media to hire more train crews
8 and maintenance workers, needs you know, must
9 understand something like this.

10 And if we are to deny the future with more
11 and better passenger rail service, we're essentially
12 telling our citizens that their future depends
13 entirely on driving a car. The cost of which is not
14 sustainable to them or our environment. No one is
15 saying that the freight railroad shouldn't benefit
16 reasonably, and they will benefit from improved, more
17 efficient rail corridors, as they have in states like
18 Missouri, California, Michigan, Virginia, North
19 Carolina and even along the coast of Maine.

20 These are long-term permanent track and
21 bridge and signal updates and upgrades that aren't
22 going to go away. It is literally, literally laying

1 down the track for a better future mobility. But the
2 future for all of us is in jeopardy if your ruling
3 sustains the status quo stated by CSX and the other
4 railroads.

5 If so, in the words of the rock group The
6 Cars, our future will be "same as it ever was," or
7 you can be bold and change that future. I urge you
8 all to act boldly and decisively. And I want to
9 thank you again for your time. It's been a pleasure
10 -- a genuine pleasure to be a part of this hearing
11 today, and listen to the testimony that's been
12 delivered thus far.

13 CHAIRMAN OBERMAN: Mr. Nicholson thank you
14 very much for your testimony, your kind remarks. I
15 will say for myself, but I'm sure I speak for all the
16 Board members, that these public hearings are
17 invaluable regardless of where witnesses are coming
18 from, we always learn.

19 And that is always beneficial as I'm sure
20 you can identify with when you're trying to deal with
21 the public's business. We need to learn. So I much
22 appreciate it. So with that ah, I am informed that

1 Mr. Madison is now available, so you have been
2 replaced as the last witness Mr. Nicholson for today.

3

4 If Mr. Madison is here I think we have to
5 arrange because he's testifying by telephone.

6 IT: Hey Marty, he's actually not here.

7 CHAIRMAN OBERMAN: Oh. He's not okay.
8 Well false alarm. So with that all right we can
9 conclude today's session. I will say that if we can
10 contact the two or three people who were not
11 available apparently, could not stay with us for this
12 long day, we will add them to tomorrow morning's
13 panel, but with that unless I hear anything to the
14 contrary from my fellow Board members, we will
15 recess until 9:30 Eastern tomorrow morning where we
16 will begin promptly with Panel 11.

17 And then hear from the parties and move
18 right into the pre-trial conference, so thank you all
19 again for everybody's diligence and patience, and
20 persistence, in staying with us all day. Really
21 these hearings are extremely valuable to our work.
22 Couldn't do it without you. So see you all in the

1 morning 9:30 sharp, don't be late.

2 (Whereupon the hearing adjourned at

3 4:58 p.m.)

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