

**APPENDIX A  
OWNERSHIP, OPERATING RIGHTS  
AND AGREEMENTS**

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## **INTRODUCTION**

The following summary of ownership and operating rights and agreements is for information purposes only. It covers the portion of the Amtrak system referred to as the “Main Line-Philadelphia to Harrisburg” from Philadelphia (Zoo Interlocking) to the Division Post at Harrisburg (MP 105.2), where the line becomes the Main Line of Norfolk Southern’s Harrisburg Division. It also includes the 36th St. Connection between Penn Interlocking, at 30th St. Station and Zoo Interlocking. The summary is not intended to establish the legal effects of the various agreements or the rights of the parties thereto. The summaries of the agreements do not necessarily include all of the points covered by the agreements.

## **SUMMARY OF OWNERSHIP AND OPERATING RIGHTS**

### **Ownership**

The portion of the NEC from Philadelphia to Harrisburg is wholly owned by Amtrak. It was conveyed to the Consolidated Rail Corporation (Conrail/CR) on April 1, 1976 by the U.S. Railway Administration (USRA) as part of the Final System Plan (FSP) resolution of the disposition of the operating assets of the bankrupt railroads of the Northeast. One month later it was transferred to Amtrak along with the rest of NEC. One of the objectives of the FSP was the preservation of intercity passenger service and commuter rail service on the NEC.

### **Operating Rights**

**Commuter Service.** The Southeastern Pennsylvania Transportation Authority (SEPTA) has operating rights for commuter service. Operating rights extend westerly from Philadelphia to Cork Interlocking, but revenue service is prohibited west of Parkesburg, the last stop in Chester County, by agreement between SEPTA and PennDOT. With Philadelphia as its hub of operations, SEPTA has similar rights over the main stem of Amtrak's NEC.

**Freight Service.** The railroad properties of the bankrupt Northeast railroads were combined to form Conrail under the FSP on April 1, 1976. Conrail conveyed those portions of the NEC under its control to Amtrak pursuant to an Agreement of Purchase dated March 31, 1976, and retained the rights to operate over the NEC under the 1986 amended agreement, which replaced the Freight Service Agreement of April 1, 1976. Norfolk Southern assumed these rights as of the effective date of its acquisition of Conrail, June 1, 1999.

Delaware & Hudson/CP Rail has operating rights over a segment of Amtrak's Harrisburg Line from the Division Post (Property line), MP 105.2, at Harris Interlocking (MP 104.8), west of Harrisburg station, to Roy Interlocking (MP 94.3), the junction with the NS Royalton Branch. This can be used, in connection with the Enola and Port Road Branches, as an alternate route to Perryville.

### **Operating Control**

Under the FSP, Amtrak was given full operational control of the Harrisburg Line, with responsibility for all signaling, power distribution, dispatching, and maintenance. This is currently defined in the Second Amended and Restated NEC Freight Operating Agreement, dated 10/01/86, which also provides for the operation of Norfolk Southern freight service.

## **OPERATING AGREEMENTS**

### **Southeastern Pennsylvania Transportation Authority (SEPTA)**

12/23/82      Harrisburg Line Access And Services Agreement

Provides for SEPTA access and operation, with no termination date, over three NEC segments as follows:

- between Marcus Hook and Arsenal (including SEPTA Media Line trains, which use Arsenal);
- between Zoo and Trenton; and
- between Zoo and Paoli (including SEPTA Manayunk Branch trains operating between 30th St. Station and Overbrook).

SEPTA pays monthly fees for use of NEC and traction power, including power from the NEC.

1/1/87      Lease Agreement

Provides for the lease of certain stations on lines owned by Amtrak to SEPTA, including 20 stations on the Harrisburg Line. The lease includes all stations from Overbrook to Downingtown, with the exception of Paoli. It

provides lease of the premises, including "... station buildings [and related equipment], platforms, passenger tunnels and overhead ... walkways, [designated] parking, and necessary access and appurtenances ... directly utilized by SEPTA...". SEPTA has the option to include Coatesville and Parkesburg.

1/31/90 Letter agreement to "... permit SEPTA access as far west as Cork Interlocking (MP 68.1) on the Harrisburg Line except that the SEPTA trains shall not be operated in revenue service west of Parkesburg." This agreement is still in effect, however, SEPTA service has been cut back to Downingtown, and trains are turned at Thorn.

### **Norfolk Southern (NS)**

10/01/86 Freight Operating Agreement (Second Amended and Restated)

Covers NS operating rights on the NEC. Key items:

- Freight Service Easement: Rights granted to CR under the FSP to operate freight services on the NEC.
- Has been extended to apply to NS following the acquisition of Conrail rights in this territory.
- Operations: Amtrak has total operating control on NEC including dispatching, transportation supervision, and maintenance of way.
- Added Facilities: NS has the right, at its expense, to require Amtrak to improve or add to NEC properties, provided there is no resultant interference with commuter and intercity service.
- Compensation: NS is to pay Amtrak a specified per-car mile fee, which amount is to be adjusted annually. There is to be no quality of performance payment for NS's NEC freight service.

The following sidebar agreements have been extended to apply to Norfolk Southern:

05/31/89 Amendment to 10/01/86 Agreement - clarifies definition of hazardous substances transported by CR on NEC and CR liabilities and responsibilities.

04/25/80 Agreement for the Installation and Connection of Private Sidetracks for CR Service - defines the procedure and responsibilities of the parties with regard to installing sidetracks on NEC.

- 05/06/83      Amendment to 04/25/80 Sidetrack Agreement - provides Amtrak with option to remove or cause to be removed any sidetrack which has been in disuse for a period of 12 months.
- 01/08/90      Letter Agreement for Switch Maintenance Fee - CR shall pay an annual switch maintenance fee to Amtrak on any sidetrack which has handled six or less loaded cars in a calendar year.

### **Delaware & Hudson (CP Rail)**

- 2/1/91              Agreement Between National Railroad Passenger Corporation (Amtrak) and D & H Corporation for Freight Operations Over Amtrak Lines in the Vicinity of Harrisburg, Pennsylvania and ... [other locations not on the Harrisburg Line]

This agreement allows D&H to use an alternate route through the Harrisburg/Enola area en route from Allentown to Potomac Yard. Trains going through Harrisburg instead of Enola can be routed over the Amtrak line instead of the CR Royalton Branch between Harris and Roy Interlockings.

Key items:

- Passenger trains have priority over freight.
- Fees are based on per car or locomotive mile, except at Zoo, where a flat rate per car of locomotive is charged.<sup>1</sup>
- Term - Twenty-five (25) years.

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<sup>1</sup>The Norfolk Southern Harrisburg Line passes through Zoo, which is owned by Amtrak. A flat fee is paid because only a short distance is traveled.