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ENTERED
Office of Proceedings
May 18, 2018
Part of
Public Record

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FILE NO: 27290.000025

May 18, 2018

Via Electronic Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46462</u>
	DECIDED DATE: <u>5-21-18</u>
	SERVICE DATE: <u>5/21/2018</u>
	APPROVED: <u>SNZ in ill</u> Acting Director
	☒ Next Amtrak filing due 7/9/18; MTA reply (if necessary) due 7/23/18

Re: Docket No. FD 36183 – *In re National Railroad Passenger Corporation*

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding, please find the National Railroad Passenger Corporation's **Motion for Amended Briefing Schedule**.

Thank you for your attention to this matter.

Respectfully,



Thomas R. Waskom
Counsel for National Railroad Passenger
Corporation (Amtrak)

Enclosure

cc: Charles A. Spitulnik, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

In re National Railroad Passenger Corp.

STB Finance Docket No. FD-36183

MOTION FOR AMENDED BRIEFING SCHEDULE

Petitioner National Railroad Passenger Corporation (Amtrak) files this Motion with the Surface Transportation Board seeking an amendment to the briefing schedule on MTA's Motion to Stay or Dismiss, and states as follows in support:

1. On April 11, 2018, Amtrak filed a Petition seeking an order (a) "determin[ing] the appropriate compensation" payable to Amtrak by MTA in accordance with the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy developed and adopted by the Northeast Corridor Commission; and (b) "enforc[ing] its determination on the ... parties." 49 U.S.C. § 24905(c)(2).

2. On May 1, 2018, MTA filed the Reply of the Maryland Transit Administration and Motion to Stay or Dismiss. In that filing, MTA asked the Board to dismiss or stay these proceedings pending arbitration. MTA contends that the current agreement between MTA and Amtrak requires the Parties to arbitrate this dispute.

3. The Parties agreed that MTA's Reply should be treated as a Motion to Stay or Dismiss and proposed a briefing schedule to the Board whereby Amtrak's response would be due on May 21, 2018, and MTA's reply would be due on June 4, 2018. The Board entered this schedule on May 14, 2018.

4. Amtrak and MTA continued to negotiate an agreement based on the Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy. They have now reached an agreement, and Amtrak has signed the agreement. In addition, MTA presented the agreement to and secured approval of the agreement from the Maryland Board of Public Works on May 16, 2018.

5. Because the Board of Public Works—which comprises Maryland’s governor, comptroller and treasurer—has approved the agreement, the final step is for MTA to sign the agreement, which MTA has indicated that it will do. Amtrak anticipates that the agreement will be signed and the initial payment made by June 30, 2018. In that event, Amtrak will withdraw its Petition.

6. Given the extremely high likelihood that the agreement will be signed and Amtrak will withdraw its Petition, Amtrak believes that it is not in the interest of the Parties or the Board for Amtrak to file its Reply on May 21, 2018. Amtrak therefore proposes the following schedule to supersede the schedule proposed by the Parties on May 9, 2018 and adopted by the Board on May 14, 2018:

- a. No later than July 7, 2018: Amtrak files a notice of withdrawal of its Petition or files its Response to MTA’s Motion to Stay or Dismiss; and
- b. July 21, 2018: MTA files its Reply to Amtrak’s Response (only if the Petition is not withdrawn).

7. Amtrak requested that MTA join in this Motion. Although Amtrak’s counsel has communicated with Counsel for MTA with counsel for MTA, Amtrak has not received MTA’s final position. In the interests of efficiency, Amtrak has filed this Motion, but it is unclear whether MTA will oppose it.

Wherefore, Amtrak respectfully requests that the Board grant this Motion and enter an order incorporating the agreed-upon schedule.

May 18, 2018

Respectfully submitted,

/s/

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Corporation (Amtrak)*

CERTIFICATE OF SERVICE

I hereby certify that I have this day, May 18, 2018, caused to be sent by electronic delivery, by consent of the parties, a copy of the foregoing pleading to:

Charles A. Spitulnik
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_____/s/_____
Thomas R. Waskom