

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
May 9, 2018
Part of
Public Record

In re National Railroad Passenger Corp.

STB Finance Docket No. FD-36183

JOINT MOTION FOR BRIEFING SCHEDULE

Petitioner National Railroad Passenger Corporation (Amtrak) and Respondent Maryland Transit Administration (MTA) (collectively, the Parties) jointly file this Motion with the Surface Transportation Board seeking a briefing schedule on MTA's Motion to Stay or Dismiss Proceedings, and state 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 agree that MTA's Reply should be treated as a Motion to Stay or Dismiss. As such, the Parties further agree that Amtrak should be permitted the opportunity to respond to MTA's pleading, and that MTA should be permitted the opportunity to reply to Amtrak's response.

4. The Parties agree that the following schedule is appropriate for briefing on MTA's request that the Board stay this proceeding:

- a. Amtrak's Response to MTA's Motion to Stay or Dismiss shall be filed on or before May 21, 2018; and
- b. MTA's Reply to Amtrak's Response shall be filed on or before June 4, 2018.

Wherefore, the Parties respectfully request that the Board grant this Joint Motion and enter an order incorporating the agreed-upon briefing schedule.

May 9, 2018

Respectfully submitted,

/s/
Charles A. Spitulnik
Allison I. Fultz
Christian L. Alexander
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW
Suite 800
Washington, DC 20036
(202) 955-5600
cspitulnik@kaplankirsch.com
afultz@kaplankirsch.com
calexander@kaplankirsch.com

Counsel for Maryland Transit Administration

/s/
Neil K. Gilman
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, N.W.
Washington, DC 20037
ngilman@HuntonAK.com
(202) 955-1500

Thomas R. Waskom
Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
twaskom@HuntonAK.com
(804) 788-8200

William H. Herrmann
Christine E. Lanzon
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, DC 20002

Counsel for National Railroad Passenger Corporation (Amtrak)

CERTIFICATE OF SERVICE

I hereby certify that I have this day, May 9, 2018, caused to be sent by electronic delivery, by consent of the parties, a copy of the foregoing pleading to:

Charles A. Spitulnik
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW
Suite 800
Washington, DC 20036
(202) 955-5600

_____/s/_____
Thomas R. Waskom