

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket #36369

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**ENVIRONMENTAL ORGANIZATIONS' MOTION FOR EXTENSION OF TIME TO
SUBMIT RESPONSE TO ASSOCIATION OF AMERICAN RAILROADS' PETITION
FOR DECLARATORY ORDER**

Via E-Filing

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The Sierra Club, Natural Resources Defense Council, Columbia Riverkeeper, Friends of the Columbia Gorge, Spokane Riverkeeper, RESources for Sustainable Communities, Puget Soundkeeper, and Yakama Nation (collectively, "Environmental Organizations") respectfully submit the following Motion for an Extension of Time to Submit Response to the Petition for Declaratory Order filed by the Association of American Railroads ("AAR") in Finance Docket 36369. Specifically, Environmental Organizations request the Board to extend the deadline for submitting response comments to Friday, April 24, 2020, and to extend the corresponding reply deadline to Friday, May 22, 2020. Prior to filing this Motion, Environmental Organizations conferred with counsel for AAR about these proposed extensions. The AAR takes no position with respect to Environmental Organizations' request to extend the filing deadline for comments until April 24, 2020, and replies to May 22, 2020.

In the past two weeks, Environmental Organizations have implemented the advice and guidance of the Centers for Disease Control and Prevention concerning the novel COVID-19 coronavirus. Staff are working from home when possible; office buildings and spaces are closed to the public and all non-essential personnel. Last Friday, President Donald J. Trump declared a National Emergency in response to the viral pandemic. Subsequently, states across the country closed down governmental services and infrastructure, including K-12 education systems.

Yesterday, the President advised citizens to avoid groupings of ten or more people, and state governments began shuttering restaurants and other public meeting spaces for the foreseeable future.

The disruption caused by the COVID-19 coronavirus is acute and widespread. Environmental Organizations' leadership, attorneys, legal support staff, and other employees are now at home with their families, taking care of their school-age children. This has dramatically and severely impacted the ordinary course of the Environmental Organizations' work, including their legal advocacy.

The Petition filed by AAR asks the Surface Transportation Board to find that the ICC Termination Act exempts rail cars in transit from the requirements of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, 33 U.S.C. § 1252 *et seq.* The Petition does not allege that AAR's members face any imminent Clean Water Act compliance obligations or demands from any permitting authority, such that the requested extension would not prejudice Petitioners. Furthermore, this issue directly impacts Environmental Organizations' mission and their membership, which number in the hundreds of thousands. In light of the societal interruptions and the seriousness of the National Emergency our country now faces, Environmental Organizations respectfully request that the Surface Transportation Board extend the deadline for submitting response comments by approximately one month, to Friday, April 24, 2020, and extend the corresponding reply deadline to Friday, May 22, 2020.

Respectfully Submitted this 17th Day of March, 2020.

/s/ Daniel C. Snyder

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Counsel for Environmental Organizations

CERTIFICATE OF SERVICE

I certify that I have this 17th day of March, 2020, served copies of the foregoing document upon all parties of record in this proceeding by electronic mail to the addresses listed in the Board's Service List for this docket.

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