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Office of Proceedings

June 19, 2020

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Public Record

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June 19, 2020

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. FD 36332**
National Railroad Passenger Corporation — Petition for Proceeding
under 49 U.S.C. § 24903 (c)(2)

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding on behalf of the National Railroad Passenger Corporation ("Amtrak") and the Commuter Rail Division of the Regional Transportation Authority and the Northeast Illinois Regional Commuter Railroad Corporation (collectively "Metra") is a **Joint Stipulation and Request for Mediation as to Select Issues**.

Counsel for Amtrak has authorized filing on its behalf. Please contact me should any questions arise regarding this matter.

Very truly yours,


Thomas J. Litwiler
Attorney for Metra

TJL/bs

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36332

NATIONAL RAILROAD PASSENGER CORPORATION –
PETITION FOR PROCEEDING UNDER 49 U.S.C. § 24903(c)(2)

**JOINT STIPULATION AND REQUEST FOR
MEDIATION AS TO SELECT ISSUES**

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**ATTORNEYS FOR
COMMUTER RAIL DIVISION OF THE
REGIONAL TRANSPORTATION
AUTHORITY AND NORTHEAST
ILLINOIS REGIONAL COMMUTER
RAILROAD CORPORATION**

Dated: June 19, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36332

NATIONAL RAILROAD PASSENGER CORPORATION –
PETITION FOR PROCEEDING UNDER 49 U.S.C. § 24903(c)(2)

**JOINT STIPULATION AND REQUEST FOR
MEDIATION AS TO SELECT ISSUES**

Petitioner National Railroad Passenger Corporation (“Amtrak”) and Respondents Northeast Illinois Regional Commuter Railroad Corporation and Commuter Rail Division of the Regional Transportation Authority (collectively, “Metra”; Amtrak and Metra collectively, the “Parties”) submit this joint stipulation and request for mediation as to certain matters in this proceeding.

JOINT STIPULATION

Pursuant to the Parties’ ongoing efforts to narrow the issues to be decided by the Board, the Parties have agreed to the following stipulations. Specifically, the Parties have agreed for purposes of this proceeding (the “Present Proceeding”) alone to stipulate as follows:

1. The allocation factor advocated by Amtrak and Metra for certain purposes in their respective opening statements and based on an equal weighting of train movements and ridership at Chicago Union Station shall be 83.0% for Metra and 17.0% for Amtrak.

2. Amtrak has asked the Board to impose the terms of the Parties’ agreement. (*See* Amtrak Opening Statement at 41.) Metra has asked the Board to order the Parties to negotiate terms as part of its ruling. (*See* Metra Opening Statement at 48.) The Parties agree that the Board should not address Issues 4 and 5 (the terms and form of agreement) as presented in the List of Issues for Determination (“Issues List”) jointly filed on February 7, 2020, and will not include

those issues in their reply briefs to be filed on June 24, 2020, except with respect to the liability matter raised by Amtrak at page 47 of its opening statement. Instead, the Parties agree to participate in Board-sponsored mediation on those matters to begin immediately. The Parties further agree that the mediation and any subsequent negotiations shall be completed by October 30, 2020, and request that the Board provide that any issues that cannot be resolved shall be submitted to the Board for disposition, with opening statements to be filed on November 20, 2020 and reply statements to be filed on December 11, 2020. For the avoidance of doubt, the Parties continue to seek a determination from the Board in the first instance on the issues of ground power (Issue 2.5), the appropriate inflation index (Issue 2.6), and liability.

WHEREFORE, the Parties submit the foregoing joint stipulation and respectfully request the Board to enter an appropriate order permitting mediation and adopting a further procedural schedule (as needed) as contemplated herein. *See* 49 C.F.R. §§ 1109.2(a)(1); 1109.2(b) (“The Board shall grant any mediation request submitted by all parties to a matter . . .”).

Respectfully submitted,

By: Neil Gilman /BJS.
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