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SERVICE DATE – NOVEMBER 9, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36332

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

Digest:¹ This decision grants the parties' request to extend the mediation period until December 4, 2020, and waives a regulatory provision that would otherwise limit the mediation period to 30 days.

Decided: November 6, 2020

On July 22, 2019, the National Railroad Passenger Corporation (Amtrak) filed a petition under 49 U.S.C. § 24903(c)(2), requesting that the Board institute a proceeding, establish a procedural schedule, and enter an order determining the compensation and terms for the use of Chicago Union Station by the Northeast Illinois Regional Commuter Railroad Corporation and the Commuter Rail Division of the Regional Transportation Authority (collectively, Metra).

By decision served September 27, 2019, the Board instituted a proceeding and established a procedural schedule, which, at the request of the parties, was subsequently revised several times. Following the close of discovery, the parties jointly filed a list of issues for determination in February 2020 and a joint stipulation in May 2020. The parties then filed confidential versions of their opening statements on May 20, 2020, followed by public versions on May 27, 2020, and confidential versions of their replies on June 24, 2020, followed by public versions on July 1, 2020.

On June 19, 2020, Amtrak and Metra filed a second joint stipulation and a request for mediation as to certain issues. On July 6, 2020, the Board initiated Board-sponsored mediation, with the mediation period running until no later than October 30, 2020, and held this proceeding in abeyance.

By letter filed November 3, 2020, Amtrak and Metra jointly request that the Board extend the mediation period through December 4, 2020, stating that the mediation has resolved certain issues and may resolve all others that the parties have agreed to submit to the mediation process.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

The Board favors the resolution of disputes through alternative dispute resolution in lieu of formal Board proceedings whenever possible. 49 C.F.R. § 1109.1. The Board will grant the parties' request to extend the mediation period. The Board also finds good cause here to waive the restriction in § 1109.3(b) limiting mediation periods to 30 days to permit the mediation period to run until December 4, 2020.

It is ordered:

1. The 30-day limitation to the mediation period specified in 49 C.F.R. § 1109.3(b) is waived.
2. The parties' request to extend the mediation period until December 4, 2020, is granted.
3. This decision is effective on its service date.

By the Board, Board Members Begeman, Fuchs, and Oberman. Board Member Oberman did not participate.