

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
March 31, 2021
Part of
Public Record

Docket No. FD 36075

**THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY—
PETITION FOR DECLARATORY ORDER**

**JOINT MOTION TO DISMISS
PETITION FOR DECLARATORY ORDER**

The Illinois State Toll Highway Authority (“Tollway”) and Soo Line Railroad Company d/b/a Canadian Pacific (“CP”) (collectively, “Parties”) hereby file this Joint Motion to Dismiss Petition for Declaratory Order. In support of this Joint Motion, the Parties state as follows:

1. On November 23, 2016, the Tollway filed a Petition for Declaratory Order.
2. Following multiple filings and submissions in this proceeding, in a Decision served on May 31, 2017, the Board directed the Parties, by June 15, 2017, to confirm whether they would participate in Board-sponsored mediation.
3. On June 15, 2017, the Parties jointly filed a letter notifying the Board that the Parties had agreed to engage in direct settlement discussions and would engage in Board-sponsored mediation, if necessary.
4. Since then, and at the Board’s request, the Parties jointly filed a series of Status Reports, advising the Board that the Parties continued to engage in direct settlement discussions and had made progress toward settlement of the matter, and asking that the Board defer on scheduling Board-sponsored mediation.

 GRANTED	DECISION ID NO.: <u>50716</u>
	DECIDED DATE: <u>4/5/2021</u>
	SERVED DATE: <u>4/6/2021</u>
	APPROVED: <u><i>Aim C. Dini</i></u> Director
	Office of Proceedings ☐

5. In the more recent Status Reports, the Parties notified the Board that the Parties believed they had reached an agreement in principal and were in the process of finalizing its terms and associated collateral agreements and securing necessary authorities.

6. That documentation process is now complete, and the Parties have executed a settlement agreement. Accordingly, the Parties respectfully request that the Board grant this Joint Motion to Dismiss Petition for Declaratory Order without prejudice.

WHEREFORE, the Parties respectfully request that the Board grant this Joint Motion to Dismiss Petition for Declaratory Order without prejudice.

Respectfully Submitted,

April 1, 2021

The Illinois State Toll Highway Authority
By: Kwame Raoul,
Attorney General, State of Illinois

Soo Line Railroad Company d/b/a
Canadian Pacific

/s/ Kathleen R. Pasulka-Brown
Kathleen R. Pasulka-Brown
General Counsel
The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515-1703
Telephone: 630-241-6800
Facsimile: 630-271-7559
kpasulkabrown@getipass.com

/s/ David F. Rifkind
David F. Rifkind
Stinson LLP
1775 Pennsylvania Avenue N.W.,
Suite 800
Washington, DC 20006
Telephone: (202) 785-9100
Facsimile: (202) 572-9994
david.rifkind@stinson.com

-and-

/s/ Charles W. Webster
Charles W. Webster
Canadian Pacific
11306 West Franklin Ave
Franklin Park, IL 60131
P: 630.860.4161
Charles_Webster@Cpr.Ca

Certificate of Service

I, Kathleen R. Pasulka-Brown, certify that I have, on this 1st day of April, 2021, filed the foregoing Joint Motion to Dismiss Petition for Declaratory Order and served it upon all parties of record in this proceeding, by email or U.S. mail, on the 1st day of April, 2021.

/s/ Kathleen R. Pasulka-Brown

Kathleen R. Pasulka-Brown
General Counsel
The Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515-1703

Date: April 1, 2021

Service List

Ediehl@smart-union.org
Erika A. Diehl-Gibbons
Smart - Transportation Division
24950 Country Club Blvd., Ste. 340
North Olmsted, OH 44070

Chris.Murdoch@emdoch.com
Christopher J. Murdoch
Emry Murdoch LLC
2 North Riverside Plaza, Suite 1850
Chicago, IL 60606

Christopher.Perry@dot.gov
Christopher S. Perry
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Tstrafford@aar.org
Timothy J. Strafford
Association of American Railroads
425 3rd Street, SW, Suite 1000
Washington, DC 20024

Charles_Webster@cpr.ca
Charles W. Webster
Canadian Pacific
11306 West Franklin Ave
Franklin Park, IL 60131

David.Rifkind@stinson.com
David F. Rifkind
Stinson LLP
1775 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006