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VIA ELECTRONIC FILING

Ms. Cynthia C. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20006

Re: *Application of National Railroad Passenger Corp. Under 49 U.S.C. § 24308(e)*
STB Finance Docket No. 36496

Dear Ms. Brown:

Amtrak respectfully requests that the letter filed by counsel for CSX Transportation, Inc. (“CSX”) on May 11, 2021 be stricken from the record. As already explained in Amtrak’s letter filed on May 7, 2021, a “reply to a reply is not permitted” under the Board’s rules. 49 C.F.R. § 1104.13(c). CSX must “show good cause for departing from [the Board’s] rule.” *Union Pac. Corp., Union Pacific R.R. Co. And MO Pac. R.R. Company – Control and Merger – S. Pac. Rail Corp., S. Pac. Transp. Co., St. Louis Sw. Ry. Co., SPCSL Corp. And The Denver And Rio Grande W. R.R. Co.*, FD 32760, at *3 (S.T.B. served July 27, 2005). No good cause is shown here.

CSX claims that good causes exists for its letter to “correct factual misperceptions and address new legal arguments.” Reply-to-reply at 1 n.1. But if there are any factual “misperceptions,” it is because CSX has misperceived the facts. There are no actual factual inaccuracies or misstatements in Amtrak’s response brief identified by CSX. And CSX’s assertion that it needs to respond to “new legal arguments” made by Amtrak is puzzling given that CSX and NS filed the motion to dismiss to which *Amtrak* was responding. To the extent there are any “new legal arguments,” it is because Amtrak was forced to address issues in CSX’s and NS’s motion to dismiss that were wholly beyond the issues raised in Amtrak’s application.

Amtrak looks forward to responding to all of the issues raised in the extraneous correspondence filed by CSX (and NS) in Amtrak’s briefing on the merits once the Board grants Amtrak’s application and sets a briefing schedule. In the meantime, Amtrak asks the Board to strike CSX’s letter as CSX’s desire to make additional arguments more than two weeks after Amtrak filed its response brief does not constitute good cause for departing from the Board’s rule disallowing replies to replies.

Ms. Cynthia C. Brown
May 12, 2021
Page 2

Thank you for your attention to this matter.

Sincerely,

/s/ Jessica Ring Amunson
Jessica Ring Amunson

*Counsel for the National Passenger Railroad
Corp. ("Amtrak")*

cc: All parties of record (via email)