

August 22, 2023

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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>51841</u>
	DECIDED DATE: <u>8/24/2023</u>
	SERVED DATE: <u>8/24/2023</u>
	APPROVED: <u><i>MacDair</i></u> Director
	☐

Submitted via e-filing

Re: STB Finance Docket No. 36281, *Petition by the Southeastern Pennsylvania Transportation Authority for Relief Under 49 U.S.C. § 24903*

Dear Ms. Brown:

I have attached for filing in the above captioned matter Southeastern Pennsylvania Transportation Authority's ("SEPTA") Joint Update to the Board on Status and Joint Motion to Continue Holding Proceedings in Abeyance.

Thank you very much.

Yours very truly,



W. Eric Pilsk

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36281

**PETITION BY THE
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
FOR RELIEF UNDER 49 U.S.C. § 24903**

**JOINT UPDATE TO THE BOARD ON STATUS
AND
JOINT MOTION TO CONTINUE HOLDING THE PROCEEDING IN ABEYANCE**

On May 24, 2023, the Board approved the Joint Motion of the Parties to Continue Holding the Proceeding in Abeyance while the Southeastern Pennsylvania Transportation Authority (“SEPTA”) and the National Railroad Passenger Corporation (“Amtrak”) negotiated certain issues in light of the U.S. Court of Appeals for the District of Columbia Circuit’s final decision in *Nat’l R.R. Passenger Corp. v. SEPTA*, Case No. 21-7021. The Board further required the parties to provide an update to the Board by the 91st day after May 24, 2023.

Since May 24, 2023, the parties have continued to negotiate in good faith but have been unable to reach a final agreement. Discussions continue, however, and the parties would like to continue negotiations in the hope of avoiding litigating in this proceeding.

Accordingly, the parties jointly move the Board to continue to hold these proceedings in abeyance to allow time for the parties to negotiate in the hope of resolving the outstanding issues without the need for further proceedings before the Board and to direct the parties to provide an update to the Board on the status of negotiations by January 5, 2024, which may include a proposal for continuing the abeyance. The parties believe that this proposed abeyance is in the interest of

justice and administrative efficiency by preserving the rights of the parties while avoiding the unnecessary use of the Board's time and resources.

CONCLUSION

For the foregoing reasons, the parties respectfully request that the Board continue to hold these proceedings in abeyance through January 5, 2024, and direct the parties to provide an update to the Board on the status of negotiations by January 5, 2024.



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