

February 22, 2024

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

 GRANTED Office of Proceedings	DECISION ID NO.: 52060
	DECIDED DATE: 2/23/2024
	SERVED DATE: 2/23/2024
	APPROVED:  Director
☐	

ENTERED
Office of Proceedings
February 22, 2024
Part of
Public Record

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 e-filing in the above captioned matter Southeastern Pennsylvania Transportation Authority's ("SEPTA") Unopposed Motion to Voluntarily Dismiss Petition Without Prejudice.

Please do not hesitate to contact me if you have any questions or require additional information.

Yours very truly,



W. Eric Pilsk

Attachment

**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**

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS PETITION WITHOUT
PREJUDICE**

The Southeastern Pennsylvania Transportation Authority (“SEPTA”) respectfully moves the Surface Transportation Board for the voluntary dismissal of this proceeding without prejudice. SEPTA has discussed this Motion with counsel for the National Railroad Passenger Corporation (“Amtrak”), who has authorized counsel for SEPTA to state that Amtrak does not oppose this motion. In support of its motion, SEPTA states the following:

On March 11, 2019, SEPTA initiated this proceeding pursuant to 49 U.S.C. § 24903 asking the Board to prescribe terms for SEPTA’s use of stations along the Northeast Corridor in the Philadelphia area. Because SEPTA and Amtrak were litigating the related issues of whether SEPTA had an easement right and a statutory right to use those stations in the United States District Court for the District of Columbia, on March 27, 2019, the Board granted the parties’ request to hold this proceeding in abeyance for the duration of that litigation. Amtrak did not file a reply or other substantive response to the Petition.

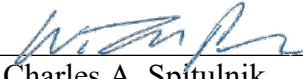
On December 30, 2022, the United States Court of Appeals for the District of Columbia resolved the issue of SEPTA’s right of access to the stations. *Amtrak v. SEPTA*, 56 F.4th 129 (D.C. Cir. 2022). Subsequently, SEPTA and Amtrak resumed discussions to address several

contractual issues related to access to the stations and the Northeast Corridor. In orders dated May 24, 2023, August 24, 2023, and January 8, 2024, the Board continued to hold this proceeding in abeyance while the parties negotiated. SEPTA files this Motion in lieu of the update required in the January 8, 2024 Order.

Pursuant to those negotiations, the parties have agreed to a five-year extension of the 47 Station Lease, the renegotiation of which gave rise to the dispute triggering this proceeding. Therefore, there is no need to keep this proceeding open. However, because SEPTA cannot predict whether related issues will arise in the future that might require Board action, SEPTA would like to voluntarily dismiss its Petition without prejudice.

CONCLUSION

For the foregoing reasons, SEPTA, without opposition from Amtrak, respectfully requests the Board to dismiss the Petition in this proceeding without prejudice.



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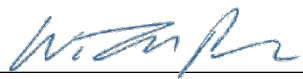
*Counsel for Southeastern Pennsylvania
Transportation Authority*

February 22, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 22d day of February 2024, I have caused a copy of the foregoing Unopposed Motion to Dismiss Petition Without Prejudice to be served upon the following individuals via e-mail:

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